



**This electronic thesis or dissertation has been
downloaded from Explore Bristol Research,
<http://research-information.bristol.ac.uk>**

Author:

Anderson, Carrie

Title:

Making the father pay : the Child Support Act, 1991, from an historical perspective.

General rights

Access to the thesis is subject to the Creative Commons Attribution - NonCommercial-No Derivatives 4.0 International Public License. A copy of this may be found at <https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>. This license sets out your rights and the restrictions that apply to your access to the thesis so it is important you read this before proceeding.

Take down policy

Some pages of this thesis may have been removed for copyright restrictions prior to having it been deposited in Explore Bristol Research. However, if you have discovered material within the thesis that you consider to be unlawful e.g. breaches of copyright (either yours or that of a third party) or any other law, including but not limited to those relating to patent, trademark, confidentiality, data protection, obscenity, defamation, libel, then please contact collections-metadata@bristol.ac.uk and include the following information in your message:

- Your contact details
- Bibliographic details for the item, including a URL
- An outline nature of the complaint

Your claim will be investigated and, where appropriate, the item in question will be removed from public view as soon as possible.

MAKING THE FATHER PAY:
THE CHILD SUPPORT ACT, 1991,
FROM AN HISTORICAL PERSPECTIVE

CARRIE ANDERSON

A thesis submitted to the University of Bristol in accordance with
the requirements of the degree of Doctor of Philosophy in the
Faculty of Social Sciences, School for Policy Studies

September 1997

ABSTRACT

In recent years renewed efforts have been made to enforce the edict of family responsibility, culminating in the enactment of the Child Support Act, 1991. Under this legislation, the duty of absent fathers to provide for their former families has been reinforced with great rigour. The primary aim of this study is to see if the outcomes of this Act could have been predicted through an historical analysis of past precedent.

The period from 1900-1940 is investigated for comparison with the present day. Statutory measures which attempted to ensure that fathers complied with court orders were also enacted in these years. Moreover, they were passed in a political, economic and moral climate not dissimilar to the 1980s and 1990s. Through an examination of archival sources, this study looks at the reasons why governments then were anxious to find ways of preventing lone mother families from becoming a burden on central or local finances – and why they believed their support should not be the responsibility of the community. It then explores the outcome of these measures in terms of their success, or otherwise, from an administrative and financial perspective. Following a similar examination of the Child Support Act, a comparative analysis of efforts to reinforce the financial duty of absent fathers in both the early and late twentieth century is undertaken. From these findings it is concluded that important lessons from the past have been ignored at our peril.

ACKNOWLEDGEMENTS

I would like to thank my supervisor, Dr Noel Whiteside, for all her guidance, encouragement and, above all, patience over the last few years. I would also like to express my gratitude to the ESRC for providing me with the funding to undertake this work.

AUTHOR'S DECLARATION

I declare that this thesis is all my own work. The views expressed in this thesis are those of the author and not of the University of Bristol.

A handwritten signature in cursive script that reads "Carrie Anderson".

Carrie Anderson

September 1997

CONTENTS

ABSTRACT	i
ACKNOWLEDGEMENTS	ii
AUTHORS DECLARATION	iii
TABLE OF CONTENTS	iv
LIST OF TABLES	vi
LIST OF ABBREVIATIONS	vii
CHAPTER 1: INTRODUCTION	
i) The Child Support Act, 1991	1
ii) Filling the Gap in Our Knowledge	11
iii) The Period for Comparison	14
iv) The Plan of the Book	22
CHAPTER 2: 1900-1914	
i) Introduction	31
ii) The Scale of the Problem	34
iii) The Failure of the System to Make Fathers Pay Before 1914	35
iv) The Experience of Lone Motherhood before World War 1	45
v) The Affiliation Orders Act and the Criminal Jurisdiction Administration Act, 1914	52
vi) The Context of Reform	55
vii) Conclusion	63
CHAPTER 3: THE IMPACT OF WORLD WAR 1	
i) Introduction	68
ii) The Experience of Lone Motherhood in World War 1	73
iii) Proposals for Change	80
iv) Legislative Outcomes at the End of World War 1	86
v) The Government's Failure to 'Reconstruct' the Experience of Lone Motherhood at the End of World War 1	89
vi) Other Opposition to Reform	97
v) Conclusion	101

CHAPTER 4: THE INTERWAR YEARS	
i) Introduction	106
ii) The Experience of Lone Motherhood in the 1920s	110
iii) Making the Father Pay After 1921	117
iv) The Economic, Social and Political Motivations for Reform	120
v) The Beginning of the End	123
vi) The Failure of Legislation to Make Fathers Pay	128
vii) Further Attempts to Prevent the Creation of Lone Parent Families	142
viii) Conclusion	144
 CHAPTER 5: EPILOGUE - THE CHILD SUPPORT ACT, 1991	
i) Introduction	148
ii) The Background to the Child Support Act	150
iii) The Beginning of the End	157
iv) The Government's Climb-down	162
v) The Failure of the Child Support Act	165
vi) Lone Mother Families after the Introduction of the Child Support Act	174
vii) Conclusion	182
 CHAPTER 6: CONCLUSION	186
 BIBLIOGRAPHY	203

LIST OF TABLES

Table 2.1	Numbers committed by Magistrates' Courts for non-payment of wife's and children's maintenance, and bastardy arrears. (Yearly averages 1900-1913)	38
Table 2.2	Numbers committed by Magistrates' Courts for non-payment of Poor Law, bastardy and maintenance orders. (Yearly averages 1900-1913)	42
Table 3.1	Illegitimate births in England and Wales, 1901-1918	72
Table 3.2	Legitimate and illegitimate infant mortality rates per 1,000 births, in England and Wales, 1914-1918	74
Table 3.3	Percentage decrease by age and sex of recipients of Poor Law relief in England and Wales between 1 January 1915 and 28 December 1918	77
Table 4.1	The numbers in receipt of Poor Law relief in the last week of march from 1919-1923	117
Table 4.2	Imprisonments during the years 1910-1932	129
Table 4.3	Bastardy and maintenance applications and orders granted, 1906-1933	130
Table 4.4	Numbers of imprisonments for failure to pay affiliation and maintenance orders between 1935-1938	135
Table 5.1	Compliance rates by absent parents on the records of the Child Support Agency	165

ABBREVIATIONS

The following abbreviations have been used:

CSA	Child Support Agency
DSS	Department of Social Security
HC	House of Commons
HL	House of Lords
NCFUM&HC	The National Council for the Unmarried Mother and Her Child
PRO	Public Records Office
RCD	Royal Commission on Divorce and Matrimonial Causes
RCPL	Royal Commission on the Poor Laws and the Relief of Distress
SCBO	Select Committee on Bastardy Orders

CHAPTER ONE: INTRODUCTION

This thesis focuses on legislation to make fathers pay for the support of their former families in the early decades of the twentieth century. Mainly through an examination of material held in various archives, it seeks to understand why governments, then, extended their efforts to reinforce the edict of paternal responsibility. More importantly, it also explores the consequences of such efforts. The primary purpose of undertaking this research was to see if lessons learnt from this era could have been used to predict the outcome of the 1991 Child Support Act. As this is not a methodology that has been applied to this piece of legislation, the research was also conducted to fill this gap in our knowledge.

Later sections of this chapter will explain why the years 1900-1939 were chosen for comparative analysis with the present day. There will also be some discussion of the validity of adopting this approach and its limitations. However, by way of a prologue to the study, this introduction begins by outlining the background to the 1991 Act, and its objectives and outcomes to date.

i) The Child Support Act, 1991¹

- THE BACKGROUND

From the late 1960s fears that many western capitalist societies were falling into a deep moral decline began to be expressed, especially in the USA and Britain. Blaming this collapse on the liberalisation of sexual mores in the previous decade, a movement calling for a moral revival began to emerge with some force in both countries. Those belonging to this movement demanded to see the restoration of, for example, the stable family, law and order, and individual self-

¹ This summary is based on the findings of this research. For a more detailed account and further statistical information see Chapter 5 of this thesis.

help.² In Britain, the Christian entrepreneur Mary Whitehouse spearheaded this movement in the 1970s. By the 1980s, she was largely supplanted by a new breed of Conservative politicians - the so-called 'New Right' - who came to power in 1979 with Margaret Thatcher as their leader. This government was not only intent on reversing what it perceived to be a moral crisis but it also intended to reverse Britain's economic crisis by introducing a strict form of economic liberalism. Deeply critical of the 'nanny state' and escalating public expenditure, its primary objective was to encourage individual effort and private enterprise by 'rolling back the state'.

The Conservatives began their mission by setting in motion a process whereby social and economic policies were introduced which were designed to reduce dependency on the state. When Thatcher first came to power, her initial concern was to improve the country's economic performance and reduce the official unemployment figure she had inherited from her Labour predecessors. By 1979 this had reached 1,184,600. To achieve this, her government began deregulating the labour market by, for example, reducing the power of trade unions, restricting wage regulations and undermining employment rights. It also restructured the benefit system. For example, by making them less accessible and less generous, the Conservatives believed that the unemployed would have greater incentives to find employment. Public sector competitive tendering was also introduced. It was hoped that this reform would lead to greater efficiency and competitiveness and generally improve employment opportunities.³ By leaving the market unfettered in this way the Conservatives expected Britain to become prosperous once again. They also argued that the country's greater prosperity would benefit everyone on the grounds that, according to their economic philosophy, wealth 'trickled down'.

It was not, however, until the Conservative Government's second term in office, following the 1983 general election, that it began to devote more of its attention

² For an in-depth discussion see Weeks, 1989.

³ For a discussion of these policies and their outcomes see, for example, HC Social Security Committee, 1994b, memorandum submitted by Everson and Woods.

to restructuring Britain's moral climate. Weeks⁴ has argued that this delay was deliberate because Thatcher felt that implementing moral change required a more cautious approach than economic reform. Thus, during its third term in office, that is from 1987 onwards, 'morality came to the fore'.⁵

Lone mother families, in particular, came to represent the epitome of this decline. Thatcher and her sympathizers in the government had been greatly influenced by American right-wing publications, such as Murray's *Losing Ground*,⁶ in which these families were largely blamed for a multitude of social evils, from spawning an 'underclass' to the increase in the crime rate. Moreover, their fears were exacerbated by a sense of alarm at the growing numbers of such families and the cost of state support for them. In Britain the number of lone parent families had increased from almost 600,000 in 1971 to over a million in 1986 by which time they represented 14 per cent of all families. There had also been an increase in the numbers of these families dependent on Income Support. In 1980, 330,000 were dependent on this type of benefit (then Supplementary Benefit), whereas in 1989 there were 700,000 dependent on Income Support. In the same year only a quarter of these families were in receipt of maintenance. Although separation and divorce remained the major causes of lone parenthood, there was also alarm at the growing trend towards unmarried motherhood. From 1971 to 1986 the number of these families – the majority of which, in common with other lone parent families, were female headed - had more than doubled.⁷

- THE SOLUTION

The Conservative Government began their attempts to reduce the cost to the taxpayer of lone mother families by introducing the Social Security Act, 1986. Under this Act, for example, grants for one-off payments were replaced by loans from the Social Fund. Subsequently, the principle aim of the government was to cut public expenditure and reform morals by replacing, wherever possible, the

⁴ 1989, p.293.

⁵ Ibid.

⁶ 1984.

⁷ DSS, 1990b, p.i.

financial support lone mothers received from the state with private support from fathers. Thatcher repeatedly stressed the need to return to 'Victorian values' which encapsulated the notion that fathers should bear the financial costs of their offspring. Thus, in January 1990, she announced that her government was going to take steps to ensure that all absent fathers paid for the maintenance of their children, or paid more, 'where they could afford to do so'.⁸ Unlike other legislation, such as the 1989 Children Act, biological rather than social fatherhood became the determining factor of who was responsible for paying. Moreover, there was to be no distinction between men who, for example, had fathered children as the result of a one-night stand and those who had spent many years jointly bringing up their children in long established relationships with one partner. However, this did not seem to cause concern to the general public. Its initial response to Thatcher's proposal was overwhelmingly supportive. As was that of the media and political parties of all persuasions. There was a general consensus that many absent fathers were 'errant' and that they simply chose not to pay maintenance even though they could afford to do so. Thatcher and her supporters in the Conservative Party also believed this for they blamed low compliance rates with maintenance orders on inefficient administration and enforcement procedures by both the courts and the Department of Social Security.

By 1991 the Child Support Act had been introduced to reverse this trend. Having rapidly passed through Parliament because of its popularity, the Act looked set to revolutionise the child support system by placing the administrative responsibility for the assessment, collection and enforcement of payments in the hands of a newly created 'Next Steps' agency (the Child Support Agency). As a semi-autonomous organisation slightly removed from the state and run on market principles, the government seemed convinced that it would be able to operate a more efficient and effective system than its predecessors. In common with the introduction of other similar agencies which were also set up to reform British public administration along the lines of private enterprise, such as National Health Service Trusts, the key notion was 'distance from the central department'

⁸ See, for example, *The Sunday Times*, 21 January 1990.

so that there was 'freedom to manage'. As with other such agencies, the chief executive was not a permanent civil servant and was appointed in open competition. They were to be held personally responsible for their agency's performance while the Minister remained responsible for policy.⁹

New administrative procedures under the Child Support Act included the introduction of a rigid formula to assess the amount an absent father had to pay. By removing any form of discretion from the scheme, the traditional practice of treating each case individually was ended. In contrast to previous policy, absent fathers on most benefits were also expected to pay by having a proportion of their benefits deducted at source. Lone mothers, in turn, were required to co-operate with the Agency, for example, by naming the fathers of their children unless they could successfully argue that to do so would cause them 'undue harm or distress'. Failure to co-operate for any other reason, would incur a penalty by having a proportion of their benefits deducted. Although this requirement caused some concern, particularly to those organisations who claimed to represent the interests of lone mothers, such as the National Council for One-Parent Families, they too did not disagree with the principle of the Act.

Some features of the Child Support Act were not new, however. Enforcement procedures remained largely unchanged. If a father failed to pay the Agency could make attachments to his earnings. If this failed, or could not be applied because he was self-employed, then the Agency could apply to the court for a distraint on his goods. Finally, if this proved unsuccessful, magistrates could impose a deferred prison sentence to give him time to pay or, if need be, impose an immediate sentence.

Along with the new scheme came some new jargon. As the government wanted to stress the point that the Act was to benefit children the term 'maintenance' was replaced by 'child support'. Under the Act, fathers, regardless of the reasons for them not living under the same roof as their children, were jointly to be referred to as 'absent parents' - despite the gender neutrality this implied and the negative

⁹ Rhodes, 1997, p.95-p.96.

connotations implied by the word 'absent'.¹⁰ There was also a change to the way lone mothers were to be described. From now on they were to be called 'carers' which, in common with older terms such as, 'lone parents' or 'single parents', disguised the fact that the majority of them were female.

As noted earlier, although Thatcher claimed to be putting the child first when she introduced the Child Support Act, it was not difficult to see that this was empty rhetoric. Even though some people may have wanted to see the poverty of such families alleviated following the implementation of this policy, the Conservative Government had been notorious for denying the existence of poverty in Britain. This was evident when it abolished the official publication which provided statistics on the 'numbers of low income families' and replaced it with a new series on 'households below average incomes'. However, as Millar and Whiteford have noted:

This series also showed more and more lone parents in the lowest income bands. Taking account of family size, and measuring income after meeting housing costs, the proportion of lone parents with incomes of less than half the average rose from 19% in 1979 to 50% in 1988/89.¹¹

There was certainly nothing in the Child Support Act that indicated that the government was concerned about this phenomenon. On the contrary, all lone mothers on Income Support were to have any maintenance deducted pound for pound from their benefits. Their only way of escaping poverty was through paid employment in the labour market. However, the government did not at the same time pass any measures that may have made this any more of a viable proposition than it had been previously. With a lack of adequate, affordable child care provision and opportunities to train, the majority of lone mothers had little choice but to remain on benefits. It was therefore clear that if the government

¹⁰ This expression will be used in this thesis for the sake of convenience. However, it is not intended to be derogatory.

¹¹ 1993, p.63.

succeeded in clawing back money from absent fathers, the Treasury would be the main beneficiary.¹²

- THE OUTCOME

Within a short time of beginning its operations, the Child Support Act came under attack, especially from absent fathers. While some strongly objected to the idea that they should pay support to a child that was the outcome of a brief relationship, most of the criticism was directed towards the details of the policy. Aspects of the formula were most contentious, particularly as it did not recognise the financial responsibilities many had towards other dependants, such as, step-children or elderly parents. There was also an outcry because under the formula fathers were also expected to pay a 'carers element' which many construed as maintenance for women. Absent fathers who had made clean-break settlements in the courts before the Child Support Act was introduced saw this as unjust. Under these settlements such men had, for example, given their former partners the family home on condition that they gave up any claim to maintenance for themselves. For all these reasons, many absent fathers joined together to form organisations to campaign against the Act, such as the Network Against the Child Support Act. They inundated their MPs and the media with complaints who, in turn, also began to show doubts about the appropriateness and fairness of the new scheme.

In time, the Agency also came under attack for being inefficient, incompetent and failing to meet its targets. Its performance after its first year was described as 'dire'.¹³ It had been expected to clear one million cases during 1993-1994 but instead had only dealt with 200,000.¹⁴ This was to further fuel antagonism towards the new scheme. However, if this was bad enough, the hostility towards the Agency deepened when it was revealed that instead of chasing 'errant' fathers, it had prioritised those cases which it saw as being 'easy' targets. In other words, it concentrated its efforts on making those fathers who were already

¹² See, for example, Garnham and Knights, 1994, for a persuasive argument on this topic.

¹³ HC Social Security Committee, 1997, p.10.

paying, pay more so that it could increase its chances of meeting the benefit savings target it had been set.¹⁵ This was clearly contrary to what the majority of people saw as being the purpose of the new scheme. The hypocritical, personal behaviour of some members of the Conservative Party also did not help. Accusations in the press of government 'sleaze' became more frequent and the outrage against the Child Support Act also intensified when cases of politicians creating lone mother families were revealed. In the face of the leaderships espousal of family values, this reaction was not surprising.¹⁶

Faced with the Agency's failure and the unpopularity of the Child Support Act, the government began to climb-down. As early as December 1993, it announced that the Act was going to be amended. The changes made resulted in many absent fathers seeing reductions in the amount they had to pay, ironically, through the introduction of some discretion in the formula. In order to deal with the administrative crisis of the Agency, the government replaced the Chief Executive and abandoned its plans for the Agency to take on all new cases from 1996. Originally it had hoped to create a single-tiered system by which all child support cases would be dealt with by the Agency, thus, removing any responsibility for financial assessments and payments from the courts. By instructing the Agency to just administer child support for parents on benefits, another of the Act's objectives was also undermined.

Following these and other revisions, by the mid-1990s, it became apparent that whatever criteria the Act was judged by, it had been a failure. Not only were there no more fathers paying maintenance than under the previous system, which meant that the objective of making public expenditure savings was not achieved, but evidence suggested that the new scheme was costing the taxpayer more to administer than it had under the former administration. Moreover, lone mothers and their children had certainly not benefited. As the formula had been designed to ensure that fathers paid a higher proportion of their incomes to their former families, it was obvious from the beginning that this would leave the majority of

¹⁴ DSS, 1994, p.1.

¹⁵ Garnham and Knights, 1994, p.70.

men with less money. The 'treats' many had formerly been able to give their children, which had clearly enhanced the quality of lives, were now a thing of the past. It also meant that there was less money to be spent on the children living in second families.

However, the widely held belief that the Agency and an unfair formula were to blame for the resulting fiasco was not entirely correct. If the majority of absent fathers had been more willing, or able, to pay, the Agency's task to save public expenditure may have been achievable. Faced with having to deal with many absent fathers who were clearly determined not to pay, there was little the Agency could do. Although, it could, and frequently did, take steps to force men to pay by making attachment of earnings orders the administrative expense of resorting to this method made it self-defeating. Moreover, it was not surprising that it chose to give up on some cases where men were really determined not to pay. Indeed, the Agency rarely used the ultimate deterrent – imprisonment – presumably because of the additional burden to the taxpayer of the expense. Consequently, many absent fathers continued to avoid making payments and the government's aim to save the Treasury money was not realised. Moreover, when the cost of running the new scheme is compared with that of its predecessor evidence shows that the latter was more successful. In 1989/90, before the introduction of the Child Support Act, for every £1 million pounds spent on recouping maintenance, savings to the Treasury of £4.7 million were made. Under the Child Support Agency only £2.1 million was saved for every £1 million pounds spent in 1996/7.¹⁷

Clearly, Margaret Thatcher and her supporters were over-optimistic in believing that public expenditure savings could be made by passing the administration of child support into the hands of a new agency. As the above has shown, it was not a new and more efficient bureaucracy, run along the lines of private enterprise, that was needed. Coercing absent fathers into paying costs money whoever is responsible for undertaking this task. There is also a limit to the

¹⁶ For an insiders view of Conservative 'sleaze' see Sedgemore MP (1995).

¹⁷ See p.170 of this study.

amount that can be extracted from them. Experts in this field frequently point out that absent fathers are more likely to be over-represented in lower income groups because of the greater tendency for relationship breakdown to occur among the young and under-qualified.¹⁸ As Cretney and Masson¹⁹ have also pointed out:

... it can in retrospect be seen that those responsible for setting up the scheme ignored the real difficulties of enforcing substantial payments against unwilling parents ... the obligation is connected with an intimate personal relationship; and divided loyalties may be involved. The debtor may in consequence be angry, unreasonable and determined not to pay.

However, this was not a phenomenon unheard of before the Child Support Act was introduced. These authors have also stated that any practising solicitor could have predicted its failure.²⁰ But, Margaret Thatcher was notorious for not seeking guidance from experts when formulating policies. It was also not her style to turn to the universities and civil service for advice²¹ for in

so far as the Thatcher revolution needed information at all, it was as likely to come from right-wing 'think-tanks' or outside sympathizers.²²

But having said that, even if Thatcher had wanted to be informed of, for example, past precedent there was little by way of published books and articles that she could have drawn upon. As the following section shows, the history of child support in Britain has been largely overlooked not only by campaigners and politicians but also academics. Moreover, although Harrison²³ has argued that 'problems allegedly new turn out to be old problems in disguise', the application of an historical methodology to the analysis of the Child Support Act is unknown.

¹⁸ See, for example, Eekelaar, 1984, p.29; Ford and Millar, 1997, p.5.

¹⁹ Cretney and Masson, 1997, p.542, p.556.

²⁰ Ibid., p.543.

²¹ Harrison, 1996, p.312. See also Garnham and Knights, 1994, p.39.

²² Harrison, 1996, p.312.

ii) Filling the Gap in our Knowledge

Although there is an overview of the history of child support in the *Finer Report* - which indicates the problematic nature of such policies - the discussion is all too brief and relegated to an appendix.²⁴ The same applies to Brown's²⁵ publication because, in common with the authors of the *Finer Report*, her main objective was to suggest alternative policies by which lone mother families would be better provided for. Other secondary sources also fail to provide sufficient information because the subject is only briefly referred to as part of more specific discussions about, for example, the history of bastardy, separation or divorce.²⁶ Moreover, despite the existence of a few academic works which have looked specifically at this issue in times past, these works are not comparative. They also only focus on this aspect of British history in the nineteenth rather than the twentieth century.²⁷

Although many writers have now explored the Child Support Act, the tendency has been to restrict critical analysis to the formulation and implementation of the Act. For example, through researching the impact of the Act on a sample of lone mothers in Liverpool, Abbott²⁸ focused on its effect on their financial circumstances, employment opportunities and on their personal lives. Other authors, in contrast, have been concerned to expose the purpose of this policy. Despite the government's claim that *Children Come First*²⁹ – even though it did not deny that it also wanted to relieve taxpayers of the expense of supporting

²³ Ibid., p.430.

²⁴ *Finer and McGregor*, in *Finer*, 1974, Vol 2, p.85-p.149.

²⁵ 1988.

²⁶ See, for example, Laslett et al., 1960, on bastardy; McGregor, et al., 1970, on separated couples; and McGregor, 1957; Rowntree and Carrier, 1958; and Stone, 1992, on divorce.

²⁷ See, for example, Henriques, 1967, who discussed the operation of the Bastardy Laws in the nineteenth century; or Thane, 1978 who explores attempts to make fathers pay for their deserted or illegitimate children in Victorian and Edwardian England.

²⁸ 1996. Similarly, see also, Glendinning, Clarke and Craig, 1995.

²⁹ This was the title of its publication (DSS, 1990a) in which its proposals for the Act were outlined.

lone mother families³⁰ - the work of Garnham and Knights,³¹ revealed that in fact this reform was primarily for the benefit of the Treasury rather than children. Meanwhile, other publications have highlighted the philosophical and sociological ramifications of the Child Support Act, either in terms of its impact on family law,³² or its influence on shifting the power of the public within the realm of family obligations.³³ Finally, because the Act was largely an import from Australia, some authors have studied the operation of the Australian scheme often arguing that it met with more success there because of differences in detail and methods of collection, for example.³⁴ However, it should be noted, that when they describe the success of the Australian scheme they are not referring to its cost effectiveness. Nor do they argue that Australia's new scheme has been more effective in making the non-payers pay. On the contrary, the scheme has only been successful in so far as it has operated without too much hostility and has succeeded in making those already paying pay more.³⁵

As the above indicates, there was therefore a need for this piece of research to be conducted and not least because

History is that branch of knowledge which caters to society's need to understand particular aspects of the human past, an understanding without which it would be impossible even to attempt to grapple with the problems of the present.³⁶

However, that is not to say that a single account could make any claims to be the definitive work on this subject. Clearly, there are limits to the extent that any piece of social research can make any claim to the 'truth'. As general epistemological problems have been extensively debated elsewhere³⁷ they will not be expanded upon here, other than to say that this research was carried out in

³⁰ Ibid., p.5.

³¹ 1994.

³² See, for example, Maclean, 1994; Diduck, 1995; Wallbank, 1997.

³³ Boden and Childs, 1996.

³⁴ Millar and Whiteford, 1993, 1995; Maclean, 1994; Rhodes, 1995.

³⁵ Millar and Whiteford, 1993, p.70.

³⁶ Marwick, 1995, p.8.

the awareness that facts are not completely detachable from theory. Methodological problems can also place limitations on the extent to which one specific study can lay claim to the truth. As this study had to rely on archival material in order to reconstruct the past, there was also an awareness that the problems this posed would also mean that some reservations would have to be attached to the findings. Booth and Glynn have identified 'completeness' and 'accuracy' as the two major problems associated with public records.³⁸ With regard to the former they quote Lord Denning who said that 'if Departments do not want to disclose their records they may overlook them, miss them or even destroy them'.³⁹ Alternatively other records may have been destroyed because of a lack of firm guidance by archive keepers over the destruction of files by lower level archivists.⁴⁰ As far as accuracy is concerned, these same authors claim that state papers and

departmental files cannot be regarded as an infallible guide to the making of decisions or the preoccupations of governments. Inevitably, there is a self-justificatory element in Cabinet, departmental, and other political papers, including memoirs. The records may be more revealing in their omissions than in their contents.⁴¹

There is, therefore, always a danger that the documents examined may not be truly representative of their time.

Finally, the scope of the research could not be exhaustive because of time limitations. Therefore, decisions had to be made as to what to include and what to exclude. In the case of this study, it was decided to omit an analysis of the subject from the perspective of race. Although it is interesting to note that, as today, the ethnicity of lone mother families was an important dimension of the problem, it was not possible to give this subject the attention it deserved. The problems posed by Irish women coming to England to give birth to illegitimate children at the ratepayers expense in the first half of the twentieth century is a

³⁷ See, for example, Medawar, 1984; Neilson, 1990; Kuhn, 1970. The work of postmodernists has also drawn attention to this issue, for example, Foucault, 1973, 1977.

³⁸ Booth and Glynn, 1997.

³⁹ Ibid., p.306-307.

⁴⁰ Ibid., p.307.

⁴¹ Ibid., p.315.

fascinating topic but an examination of it needs to be left to future researchers. Similarly, it was also not possible here to cover the problems arising from an increase in the number of illegitimate births of mixed race babies during this period.

Despite the above difficulties and those imposed by limited financial resources, they were not sufficient to outweigh the benefits of conducting this specific piece of research.

iii) The Period for Comparison

Because Britain has undergone many fundamental changes in the last one hundred years or so - as have the causes of lone motherhood, the degree of the stigma attached to this condition and the financial sources available for their support – there would have been some logic in choosing the era immediately preceding Thatcher's term in office as the one for comparison. However, although governments also attempted to improve compliance rates with maintenance orders during the years from 1940 to 1979, by introducing the Attachment of Earnings Act in 1971 for example, as a period for comparative analysis with the present day it had to be rejected.

Despite such efforts to make fathers pay, on the whole very different solutions to the problem of lone mother families were sought during these decades as compared to the ones that preceded and succeeded them. Although no government in the twentieth century has abandoned the male breadwinner model, efforts to make fathers pay in these years were contracted as opposed to extended.

Graham Dixon's⁴² work reveals that these were exceptional times for lone mother families because there was a greater acceptance that the primary responsibility for them should lie with the community. This was also a period - at least from the 1960s - in which there was a movement away from seeing lone mothers as

⁴² 1981.

immoral and deviant towards regarding them as unfortunate. This was reflected in their treatment. Not only were they given rights to benefits which were not conditional on their seeking employment but public housing was also made available to them. Moreover, when supplementary benefit replaced Public Assistance in the 1960s lone mothers received extra allowances. They also made further gains in 1976 when family allowances were extended to the first child in such families (Child Interim Benefit). Absent fathers also benefited. As Maclean⁴³ points out

With the acceleration of divorce in the mid-twentieth century, and the consequential growth of reconstituted families, Western legal systems began to attenuate the extent of the obligation of a former breadwinner towards the family from which he was separated, out of concern for his later-acquired dependants.

This phenomenon was not simply due to the liberalisation of attitudes towards, for example, divorce and pre-marital sex.⁴⁴ Nor was it due to any greater state ability to afford the support lone mother families. After all, the economic boom following World War 2 was already showing signs of a downturn by the early 1960s. The dominant ideology which combined Keynesianism with welfare statism also influenced change. This combination which 'stressed the limitations and failures of market economies and the beneficial capacities of the state for promoting both social welfare and economic prosperity',⁴⁵ also made this era exceptional. Many writers have commented on the welfarist consensus of these years which marked in out from the one that it followed and the one that was to come after. Finlayson,⁴⁶ for example, comments that

It is hard to deny that the change in the period from 1949 to 1979 was in favour of the state; and, even if this did not win universal approval - thus detracting from the completeness of 'consensus' - it did command a substantial body of support.

⁴³ 1994, p.501.

⁴⁴ Weeks, 1989, p.282.

⁴⁵ Self, 1993, p.56.

⁴⁶ 1994, p.398-p.399.

But having said that, it must be noted that the benefits reaped by lone mothers during this time were not sufficient to lift them out of poverty.⁴⁷ As the authors of the *Finer Report* into one parent families were anxious to point out in the mid-1970s: 'divorced, deserted or separated wives and unmarried mothers remained throughout dependent on the Poor Law or its substitutes, in the event of their receiving no support from their husbands'.⁴⁸ Moreover, although these radical authors had recommended that the state should provide a Guaranteed Maintenance Allowance for such families, a proposal that the government was to reject, even they were reluctant to completely exonerate fathers from any financial responsibility. Thus, many lone mothers continued to rely on means-tested benefits and even though they were more generous than they had been, or were to become, they remained inadequate.

In contrast to the period discussed above, as we shall see, the interwar years had more in common with the 1980s and were therefore chosen for a comparative analysis with the present day. Clearly, as there were certain hypotheses to test, such as, the correlation between high levels of unemployment and the failure of policies to make fathers pay, it was necessary to compare, as far as possible like with like. Socially, politically and economically,⁴⁹ there were some striking similarities between then and now. For example, governments then as now were predominantly Conservative, or certainly conservative in a non-political sense. The economy was also in decline and levels of unemployment high especially in the depressed areas which, as now, had been dependent on heavy industry. The response of governments then to these phenomena were also similar. Governments in the interwar years reasserted the orthodox belief that the free market, rather than state intervention, would end the crisis - helped by government attempts to restrain central and local government spending.⁵⁰

⁴⁷ See, for example, Townsend, 1979.

⁴⁸ *Finer*, Vol. 2, p.148.

⁴⁹ See, for example, Peden, 1993; Whiteside, 1991; Crowther, 1988; Stevenson and Cook, 1977; Deacon, 1976; Branson and Heinemann, 1971; Graveson and Crane, 1957; Drage, 1930.

⁵⁰ Whiteside, 1991, p.73; Middleton, 1996, p.322; Finlayson, 1994, p.419.

Voluntarism and self-help, rather than state aid, were also called for.⁵¹ As now, it was believed that this could be achieved by turning the clock back to some by-gone age. As one commentator at the time put it: 'We have to bring back the thrift, independence, self-help and self-reliance of years gone by'.⁵²

The social climate also bore similarities. For example, there were widespread fears about the behaviour of young people during the interwar years. Research has shown that there was a growing concern about the

impact of dance halls, the cinema and a Hollywood culture on the morals of young working class girls who were perceived as both in danger of corruption from such sources and as corrupting in their lack of deference, their "cockiness" and "loudness".⁵³

As today, contemporary newspapers showed that there was alarm about 'youths stealing joyrides in cars'.⁵⁴ This sort of behaviour led to fears that the family was in crisis.⁵⁵ It seemed under greater threat of survival in the face of the wider availability of birth control and the emergence of discourses which suggested that women could find pleasure in sex. As in recent years, this led to a backlash with many calling for a return to 'moral purity'. Giles has argued,⁵⁶ that this campaign met with some success as married hetero-sexual behaviour became increasingly defined as the norm as the interwar years wore on. Thus, as Martin points out, then as now, market individualism co-existed with social discipline in the 1920s:

While Tory economic policy in the 1920s saw an initial rolling back of the wartime state, at the Home Office William Joynson-Hicks ... sought to use the power of the state to reform public morals ...⁵⁷

⁵¹ Finlayson, 1994, p.416.

⁵² Drage, 1930, p.43.

⁵³ Ibid.

⁵⁴ Carnegie UK Trust, 1943, p.7.

⁵⁵ See, Haste, 1994; Gittins, 1983.

⁵⁶ 1992, p. 239-240.

⁵⁷ 1996, p.65.

As in the 1990s, statutory efforts to make fathers pay, not dissimilar to the Child Support Act, were passed in the 1920s. As now, they were introduced primarily as part of a general effort to reduce expenditure and in order to reinforce the edict of paternal responsibility. However, unlike the Child Support Act, measures taken in the 1920s were part of a continuum that had begun with Acts passed in 1914. As these measures, in turn, had their own immediate history it became necessary to begin the research for this study at approximately 1990. Furthermore, as the failure of all these reforms did not come to light as rapidly as the Child Support Act, it seemed appropriate to extend the period for comparison to the end of the 1930s.

Obviously, as history never exactly repeats itself it is not surprising to also find major differences between these two periods. These include, for example, differences in the demographic make-up of lone mother families and in their treatment. Although these do not invalidate the study, it is necessary to draw attention to them.

To begin with, policies to make fathers pay in the earlier period were simply reinforcing established principles rather than attempting to reverse a trend which had seen it undermined. Moreover, prior to the creation of the classic welfare state lone mother families would only have resorted to the community for support as a last resort, where help was given on a deterrent basis. When they did turn to the Poor Law for assistance, it was only after their own efforts to support themselves had failed, for example, through employment or by seeking help from friends and family.

Society was also far less tolerant of lone motherhood in first half of the twentieth century.⁵⁸ But having said that, in contrast to recent years, this stigma was slightly attenuated over these years. Indeed, it was partly because of the greater categorisation of lone mothers, by which some became defined as ‘deserving’, that led to pressure to improve their chances of getting maintenance. In particular, it was those unmarried mothers who only had one illegitimate child, as

opposed to the 'repeaters', who were no longer considered to deserve the same treatment as common criminals. Whether or not this change came about as a result of the declining birth-rate which could have meant that even illegitimate children came to be seen as valuable assets, especially if Britain was going to retain her place in the Empire, is controversial. However, it did mean that instead of being placed in the workhouse, many first-time unmarried mothers became more and more likely to be confined in mother and baby homes.⁵⁹ As the expense of these placed a further burden on ratepayers, and later taxpayers as grants were made from central funds, this, in turn, motivated others who were perhaps less concerned about the women themselves, to demand legislation to make fathers pay. Therefore, in contrast to the later years of the twentieth century, action taken in the earlier period had less to do with any backlash against lone mother families. Although research from America, which suggested that there was a link between juvenile delinquency and family breakdown, filtered across to this country it was not until the 1920s that its impact began to be felt. Making the father pay also had little to do with Eugenicism because the impact of this creed did not reach its zenith until the 1930s.⁶⁰ Thus, although Eugenicists were expressing much of the same hostility towards what was then known as the 'social problem group', - as ethical socialists, such as Murray,⁶¹ and Dennis and Erdos,⁶² have in recent years - they did not have much influence on policy in the years immediately before and after the First World War.

The causes of lone motherhood during these two periods were also significantly different. In the early part of the twentieth century the primary cause was widowhood. As this group of women are obviously not the subject of this discussion, in contrast to today, this study is not looking at the majority of lone mothers during the first decades of the century. Even though divorce at the end of the twentieth century is the primary cause of lone motherhood, divorced women in the earlier period also do not enter this particular discussion.

⁵⁸ See, for example, Lewis, 1995a.

⁵⁹ The Annual Reports of the NCFUM&HC document the growth of mother and baby homes.

⁶⁰ For an in-depth discussion see Searle, 1979.

⁶¹ 1984; 1990.

⁶² 1992.

Although divorce had become a civil process in 1857, under the Matrimonial Causes Act, it remained too expensive for ordinary people until the early 1950s.⁶³ Moreover, it could only be obtained on the limited grounds of desertion for seven years or more, or a wife's adultery – but not a husband's. The difficulty of obtaining a divorce was reflected in the statistics: by 1911 there were less than 1,000 divorces a year, out of a population of 6.6 million married couples in England.⁶⁴ As the High Court only granted divorces after financial settlements had been reached between the wealthy couples who could obtain them, it was extremely unlikely that divorced women would have resorted to the Poor Law. When the marriages of other couples broke-down, their only recourse was to go to the magistrates court where a separation order could be obtained. Although these were also only granted on limited grounds, unlike those who divorced, those who separated were unable to remarry. By the early twentieth century, approximately 8,000 separation orders were granted each year.⁶⁵

In this study therefore there is some difference in type among the lone mothers that are compared. Having excluded the divorced from the earlier period, the mothers considered in this era are therefore those who were either separated or deserted, or unmarried with illegitimate children. The scale of the problem has also changed over time. Although there are statistics showing the numbers of illegitimate births in the early years of the century – for example, between 1906 and 1910 there were 39.5 illegitimate births for every 1,000 births⁶⁶ – there is no way of knowing how many women who gave birth to such children managed to conceal this fact. As with unmarried motherhood, bastards (as they were commonly referred to) were also legally and socially stigmatised to a greater extent than today. Because of this, it has to be presumed that some of the mothers of these illegitimate children found ways to avoid having them officially recognised as such by, for example, giving them to their own mothers to be brought up as child rather than grandchild. Similarly, it is difficult to say how

⁶³ Rowntree and Carrier, 1970, p.185.

⁶⁴ Stone, 1992, p.10.

⁶⁵ McGregor et al, 1970, p.16.

⁶⁶ Registrar General, 1918, p.xxvii.

many deserted or separated women there were and for the same reason. As some of these women probably tried to pass themselves off as widows, Census and pauper figures cannot be taken as reliable statistics.

But having said that, their numbers then were undoubtedly far less than today for the simple reason that there was no benefit system that enabled them to live outside the workhouse without men. In contrast to today, such women were therefore probably more likely to find another man to live with. Indeed, during this period evidence began to emerge that many working class couples were 'living in sin' because they had formed 'irregular unions' following the breakdown of their marriages. Moreover, it was evidence such as this that contributed to fears, mainly among the middle classes, that moral standards were declining. It does not seem to have been of much concern to the upper and lower classes though. Evidence suggests that in the Edwardian era it was common for the upper echelons of society to indulge in liberalised sexual mores.⁶⁷ As far as those lower down the social scale were concerned, Charles Booth had already noted in the 1890s that among 'the lowest classes pre-marital relations are very common, perhaps even usual'.⁶⁸ This probably explains why pre-nuptial conceptions were common place in the early part of the twentieth century. In a survey carried out in the late 1930s, it was discovered that 72.5 per cent of a sample of unemployed youths living in Liverpool and Glasgow had fathered children before they were married. However, in contrast to today, this did not lead to an increase in the numbers of lone mothers, for most were forced to marry to retain 'respectability'.⁶⁹

Finally, it is also necessary to note that the legal treatment of lone mothers has changed significantly over the course of the century. In the earlier period, mothers of illegitimate children could obtain affiliation orders against putative fathers under the bastardy laws. Separated and deserted mothers in contrast were dealt with under maintenance legislation. The different recourse these groups had under the law was another reflection of their differential treatment by society

⁶⁷ See, for example, Priestley, 1970.

⁶⁸ Cited in McGregor, Blom-Cooper and Gibson, 1970, p.17.

in general. The history of this will not be expanded upon here as it has been dealt with in other studies.⁷⁰

iv) The Plan of the Book

Because the study concentrates on past precedent the main body of the book is devoted to the period from 1900-1940 - only returning to the Child Support Act by way of an epilogue. For the sake of convenience, and because no legislation appears in a vacuum but has its own history usually in the immediate past, the book is also set out chronologically. Moreover, because the study aims to fill the gap in our knowledge of the history of child support generally during the earlier period, where appropriate, other themes in addition to statutory reforms are also discussed. For example, in the chapter that looks at the impact of World War 1, part of the discussion is devoted to exploring alternative suggestions that were voiced at the time for dealing with the problem of lone mother families.

A section of each chapter is also devoted to a discussion of the experience of lone motherhood at that particular point in time. Firstly, to demonstrate the need for reform and secondly, to see if once changes were instituted they were of any benefit to these women. As legislation should primarily be concerned with removing them and their children from poverty, the impact of legislation on their material circumstances is clearly important to this study.

Chapter Two of this study focuses on two pieces of legislation - the Affiliation Orders Act and the Criminal Justice Administration Act - that were passed by the Liberal Government in 1914 in an attempt to ensure that absent fathers fulfilled their financial obligation to their former families. (Two pieces of legislation were necessary - the former was for unmarried mothers and the latter for separated and deserted mothers). Under both Acts, separated husbands and

⁶⁹ The Carnegie UK Trust, 1943, p.69-p.74.

⁷⁰ For example, McGregor, Blom-Cooper and Gibson, 1970 on the history of maintenance for separated wives; Laslett et al. 1980, on the development of bastardy laws for illegitimate children.

putative fathers were required to inform the courts of any change in their address and the latter were also obliged to make payments to the newly installed collecting officers in magistrates courts. These officers, in turn, were obliged to inform unmarried mothers if payments fell into arrears and were given the power to take proceedings against putative fathers at the mothers request.

This chapter is concerned to show how and why these measures came about. It also shows how, in contrast to recent years, these earlier efforts to make fathers pay were not government led but very much instigated by outside pressure especially from within the women's movement. Indeed, ministers and civil servants then were particularly hesitant about passing such reforms and not least because of the misogyny felt in these predominantly male circles. However, although policy-makers were anxious to protect men from being blackmailed by 'unscrupulous' women, they had other reservations. In contrast to Mrs Thatcher's Government, we see how they had sought advice from experts who argued that reforms to the administration of orders would not be cost effective.

Chapter Three focuses on the impact of World War 1 on the next round of legislation to make fathers pay in the early 1920s. In particular, it shows how the war intensified demands for better provision for lone mothers because of increasing concerns about, for example, the declining birth rate and high infant and mortality rates in general. However, as Chapter Four shows, it was not these concerns which were primarily responsible for the introduction of more stringent measures to make fathers pay in the years that followed the war. On the contrary, in common with the Conservatives in the 1980s, the government then was primarily reacting to another enormous increase in Poor Law expenditure which during the Slump had risen from £173 million in 1919 to £332 million in 1921.⁷¹ However, by passing legislation that increased the limits on bastardy orders in 1918 and 1923, and introducing additional allowances for the children of mothers who were deserted or separated in 1925, the government was once again also reacting to pressure from interest groups. In particular, the newly founded National Council for the Unmarried Mother and Her Child played a

crucial role in lobbying the government for change and also helped shape the policy. Making fathers pay, or pay more, was very much what they had decided was in the best interests of lone mothers. In contrast to this, we see how other policy makers, particularly some politicians and civil servants, continued to have reservations primarily because they still feared that making improvements to the administration of the scheme may have negative financial consequences. Indeed, many anticipated that if men were required to pay more, or face harsher penalties if they refused to, then the numbers being sent to prison for default of payment would increase. Keeping them there would obviously increase Home Office expenditure and thus put a greater burden on taxpayers. However, as this was the heyday of the women's movement and as the National Council for the Unmarried Mother and Her Child had gained access to the corridors of power with Neville Chamberlain as its President, their demands were more difficult to resist.

However, because of the fears that such policies would not succeed, Home Office officials and the Home Secretary began to devote more of their attention to finding alternative solutions to the problem. Chapter Four, therefore, also considers how governments in the 1920s attempted to relieve the burden of lone mother families on ratepayers by passing legislation which they believed would meet with more success than forcing fathers to comply with maintenance or affiliation orders. It looks at how, for example, adoption became legalised for this purpose. By allowing lone mothers to have their children adopted, the government hoped that this would reduce the numbers of such women turning to the Poor Law for assistance. Similarly, the grounds for divorce were extended in the hope that more separated mothers would find another husband to support them upon re-marriage. And, finally, we see how, through the Legitimacy Act, the government aimed to encourage putative fathers to marry the mothers of their illegitimate offspring.

Chapter Four concludes the study of the years from 1900-1940 by exploring the outcome of the legislation to make fathers pay. It shows how, by the 1930s, it had become clear that attempts to claw back money from absent fathers had, as

⁷¹ Drage, 1930, p.22.

many in government circles had predicted, the ironic effect of costing the public more. This was because prisons became silted up with maintenance defaulters which placed an extra burden on Home Office finances. In order to put a stop to this unintended consequence, the government at the time bent over backwards to find a way of preventing such men from being sent to prison. Just as the Conservative's blamed the failure of the Child Support Act after its first year on the administration, so did the government then.

However, as this chapter reveals, there was plenty of evidence to show that these measures primarily failed for the same fundamental reason as the Child Support Act appears itself to have failed. Although, then, there was a correlation between unemployment and imprisonment – there were more committals during periods of high unemployment – the wilful refusal of many men to pay played a more important part in bringing about the downfall of measures to make them pay. As Chapter Four and previous chapters show, the attitudes and reactions of absent fathers to renewed efforts to make them pay, have changed little over the century. In common with today, commentators in the earlier period also pointed out that no amount of coercion and tinkering with the administration could force those fathers to pay who were determined not to. Although many have been able to get away with this in recent years because the Child Support Agency has decided to abandon them rather than spending time tracing and prosecuting them, in the past magistrates were more willing to send them to prison. However, many men at the time wanted to go to prison rather than pay for the simple reason that imprisonment wiped out all their arrears. In order to overcome this problem and free itself from the financial burden of keeping men in prison, the government passed the Money Payments (Justices Procedure) Act in 1935. Under this Act, which once again made modifications to the legal scheme for maintenance and affiliation orders, the numbers of men going to prison was drastically reduced.

Having realised that making fathers pay was not going to remove the financial burden of lone mother families on ratepayers, the emphasis of policies once again shifted. Just as the new Labour government in the late 1990s has decided to find alternative ways of reducing the cost of lone mothers families by

'encouraging' them to enter the paid labour market, governments then sought alternative strategies to keep such families off the Poor Law. For example, under the Summary Procedure (Domestic Proceedings) Act of 1937, provision was made for probation officers to 'encourage' couples to reconcile. In the same year, the grounds for divorce were again extended to make divorce easier to obtain.

The Epilogue to this thesis appraises the 1991 Child Support Act. In particular, its rise and fall is discussed in greater depth. This account clearly demonstrates the extent to which history has repeated itself. This is especially evident when discussing the reasons for the failure of the Child Support Act. Now as in the past, the fundamental problem lies in the inability of governments to extract money from men who are unable, or unwilling, to pay. In each period governments were not inclined to persevere in coercing new cohorts of absent fathers. Then and now, governments abandoned their efforts in order to avoid the short-term additional expense of imprisonment. Not only did this allow those who chose not to pay to get away with it, but it also meant that governments were unsuccessful in their attempts to deter the creation of lone mother families.

Although at the time of writing it is not possible to provide evidence that the Child Support Act failed to have this impact, there is evidence that measures passed in the earlier period had little effect. Writing of the era following World War Two, Wootton noted that

... maintenance orders are not well observed. ... What the National Assistance Board has called the problem of the 'disappearing husband' has indeed to be reckoned amongst one of the major social problems of the time; and the ranks of the contemporary poor get substantial recruitment from deserted wives and children.⁷²

She also quoted an extract from the 1953 Report of the National Assistance Board:

⁷² 1967, p.35.

extracting money from husbands to maintain their wives from whom they are separated is at best an uncertain business; it is easier to enforce the maintenance of those with whom the man is living than of those from whom he is parted... Faced, therefore, with this 'delicate problem', the National Assistance Board has been forced to allow principle to give way to those 'important practical considerations' which lead 'inescapably to the other view' – not least of which is the need to avoid the unnecessary expenditure of public monies.⁷³

This theme is explored further in the final chapter of this thesis. The new Labour Government's strategy to resolve the problem of lone mothers by 'encouraging' them to enter the paid labour force is also discussed. However, as this policy will be enormously expensive to implement, for example, in terms of child care provision, it is not concluded here that this is the best way forward. Consequently, more appropriate policies to alleviate the poverty of lone mother families are examined, even though their implementation is not anticipated. After all, similar suggestions have been mooted a number of times over the course of the twentieth century.⁷⁴ However, as they require the community to take primary responsibility for supporting lone mother families they have not, and probably will not, come to fruition. On this rather depressing note the study ends by explaining the reasons why it is not, and has not been, possible to make better provision for lone mother families. By exploring the continuing attachment to the male breadwinner model and the family as the primary unit for the support of women and children in British society, it is argued that there is little prospect of change. Theoretical perspectives⁷⁵ of how the legal system, the market and social policies shore up this standard model of the family are also reviewed in order to explain why lone mothers are likely to remain in the same situation as they are at present, and have been for the entire twentieth century. Although their circumstances may not be as desperate as they were in the past,

⁷³ Ibid., p.35-p.36.

⁷⁴ In Chapter Three of this study alternative proposals which were suggested during World War I are explored in some depth. Beveridge, 1942, also toyed with the idea of making better and separate provision for lone mother families. So too did the authors of the Finer Report, 1974 and Brown, 1988.

⁷⁵ For example, Wilson 1977; Freeman, 1984; Smart and Brophy, 1985; Pedersen, 1993.

the conclusion reached here is that they have to remain 'less eligible' so that the family unit can be preserved.

Despite this negative conclusion the study will hopefully indicate to others new avenues for further research. In particular, by demonstrating the difficulty of coercing men to pay, future studies could also explore and expose the futility of this approach and thus, demonstrate the need for more appropriate policies. Only one study to date, conducted by Bradshaw and Millar, has focused on the Child Support Act from this perspective. Moreover, in common with the findings related in this thesis, their research confirms that if

the men felt responsible for the break-up, then paying maintenance may be seen as a kind of reparation for past injury, whereas when the woman is perceived to be at fault, not paying might be a form of retribution. ... a sense of responsibility springs, not from a vacuum, but from negotiations in the context of an ongoing relationship with a specific history.⁷⁶

As it has mainly been feminist academics who have shown the greatest interest in researching the Child Support Act, it is understandable that they have wanted to give a voice to the victims of this policy. However, as this study suggests future research needs to explore the psychology of absent fatherhood and its relationship to the payment of maintenance. Even though absent fathers have been able to speak for themselves, in doing so they have managed to mask the fact that many do not want to pay. Wallbank, one of the few authors who has looked at the Act from this angle, has argued that absent fathers in the 1990s successfully convinced the media and public that were the real victims of the Act by constructing themselves 'as non-residential fathers who remained responsible for and responsive to their children's needs'.⁷⁷ The same thing happened in the 1930s. As the following extract from the *News of the World* demonstrates, the contraction of men's obligation to pay in 1935 was welcomed on the grounds that:

⁷⁶ Bradshaw and Millar, 1989, p.20.

It is certain that many – if not most – ... imprisonments have been secured by what a well-know magistrate has described as ‘malicious spite on the part of wives’. ... In the vast majority of cases of default brought before the courts the defaulters have been harried and hunted by disgruntled or jealous wives.⁷⁸

Research is also needed to explore the ability of men to afford to pay child support and the extent to which they are able to make a dent in public expenditure on lone mother families. Although some authors, such as Millar,⁷⁹ have addressed this problem, it is interesting that there has been no in-depth analysis of this aspect of the Child Support Act. Perhaps if this issue was brought to the public’s attention, governments intending to resurrect policies to make fathers pay in the future may receive less support.

Finally, as this research has highlighted the failure of some organisations, such as, the National Council for One Parent Families and its predecessor the National Council for the Unmarried Mother and Her Child, to act in the best interests of the lone mothers they claim to represent, this also requires further investigation. In helping to shape policies to make fathers pay in both of the periods studied here, it has become clear that they have done the majority of lone mothers a disservice. Indeed, this history shows that such measures are only of benefit to middle class mothers in employment and those whose children have been fathered by affluent men. As the majority of lone mothers today have to rely on state benefits and have children fathered by men in low income groups, it is not unreasonable to question the motives of those who have the power to suggest what is in their best interests.

In short, what is needed is research that primarily looks at the principle of making fathers pay, rather than the all too common practice whereby details of such arrangements are analysed. As Flynn points out, the following scenario is not uncommon:

⁷⁷ Wallbank, 1997, p.192.

⁷⁸ 17 November, 1935.

⁷⁹ Millar in Glendinning and Millar, 1992, p.158.

If a politician has an idea about a policy which is wrong, he or she may be able to blame the failure on implementation, rather than on policy itself.⁸⁰

This clearly happened in relation to all the measures that are examined in this study. However, until our knowledge of the subject increases significantly as described above, governments will be able to continue tinkering with the administration of the child support system. Needless to say this will not be of benefit to the majority of lone mother families, just as the Child Support Act was not. As the following statistics show, the numbers of such families living in poverty at the end of the twentieth century is alarming:

In 1994/95, 53 per cent of lone parent families were in the bottom quartile of the income distribution after housing costs.⁸¹

Or, put another way,

in 1996, 60 per cent of all lone mother families had gross weekly incomes of less than £150 per week compared with only 7 per cent of married couples with dependent children.⁸²

The numbers of lone parent families in poverty has also increased since Margaret Thatcher's Party came to power. After housing costs, they made up 9 per cent of the bottom quintile in 1979 and 23 per cent in 1994/5.⁸³

⁸⁰ Flynn, 1997, p.227.

⁸¹ DSS, 1995b, p.24.

⁸² Office for National Statistics, 1998, p.17.

⁸³ DSS, 1995, p.6.

CHAPTER 2: 1900-1914

i) Introduction

In the years immediately preceding the First World War, measures of welfare reform were extensively discussed in policy-making circles and a range of new legislative measures found their way onto the statute book. The Liberal welfare reforms have been much studied: as the foundations for the later development of the welfare state, as a transformation in the nature of Liberal politics, and as a revolution in the scope and responsibilities of government. The literature documenting these debates and their outcomes is now copious. It is not proposed to review it in any depth here. However, some discussion is necessary for legislation to reinforce the financial responsibility of absent fathers, enacted in 1914, was an, albeit small, part of the same process of reforming the provision of welfare in England and Wales.

As with many of the more widely discussed welfare reforms introduced by the Liberal Government, the Acts of 1914 were, to a large extent, a reaction to ever increasing levels of Poor Law expenditure. Although, as we shall see, the government was unable to sustain this increase in the face of escalating ratepayer hostility, to do so would also not have been compatible with their ideological position. In common with traditional liberals they were anxious that individuals should make provision for themselves wherever possible. In contrast to the former though, they did recognise that this required greater state regulation and control of the social. Early twentieth century Liberals therefore saw government-run insurance schemes as the answer social problems wherever possible, leaving those for whom this was not an option subject to a deterrent system of relief. Squires and others¹ have argued that Liberal social policy was disciplinary in the sense that it attempted to encourage individuals to reform their characters. This moralistic ingredient was reflected in, for example, unemployment insurance

¹ 1990, p.102-p.140; Thane, 1978

benefits which required a record of regular work and corresponding contributions before access to help could be assured.

However, there were to be some categories of people in need of relief who were to be spared from the Poor Law even though they could not provide for themselves. The trend since the late nineteenth century to view some forms of poverty as not of an individual's own making became more widely accepted in the early years of the twentieth century. Moreover, this was a view that could not easily be ignored following the publication of the Majority and Minority Reports of the Royal Commission on the Poor Laws and the Relief of Distress in 1909. Despite their disagreements, the authors of both reports were united in their condemnation of the appropriateness of the Poor Law for many of its clients. Many old people, and also needy children, for example, thus came to be seen as 'deserving' of public support.

The once popular interpretation of the Liberal welfare reforms as representing a humanitarian departure from the previous, individualistic principles that had governed relief for the destitute as manifest in the 1834 Poor Law,² is not a view endorsed by many historians today. Pearson and Williams,³ for example, have argued that the new liberalism of the early twentieth century necessitated a 'delicate juggling of the traditional values of individuality and the need for a collectivist concept of society'. Other writers have concluded that the Liberal Government's expansion of state involvement in the pre-war years through the provision of, for example, old age pensions, and unemployment and health insurance, as 'reluctant collectivism'.⁴

Indeed, when the Liberal party, under the leadership of Lloyd George, fought the election in 1906 they did not do so on the grounds of social reform. Although there were some civil servants, such as Churchill, who supported the idea of

² See, for example, Rose, 1972.

³ 1984, p.151-p.152.

⁴ George and Wilding, 1985; Lowe, 1993.

radical social reform and bigger government,⁵ the reforms that did occur were generally *ad hoc* responses to a variety of factors that aroused increasing concern in this era. In addition to mounting Poor Law expenditure, fears about national efficiency and the political threat posed by the perceived growth in the popularity of the Labour party all played a role in prompting the Liberal government to take action. One historian has argued that both Lloyd George and Churchill deliberately used social insurance 'as a means of making socialism less likely', as Bismark had done in Germany.⁶ But having said that, when measures of reform finally reached the statute books they were very much the product of various struggles between the dominant political parties, pressure groups and individual campaigners who managed to force their opinions onto the agenda.

In this chapter it will be argued that the 1914 Affiliation Orders Act and the Criminal Justice Administration Act – which sought to ensure that fathers paid their orders primarily by making administrative improvements to the scheme for the collection and enforcement of payments - were typical Liberal reforms in the sense described above. Although these measures have been largely neglected by historians, the reform of provision for lone mother families did become an issue of some importance in the pre-war years. It formed one focus of attention for two key investigations: the Select Committee on Bastardy Orders, 1909, and the Royal Commission on Divorce, 1912. It also came under the scrutiny of the Royal Commission on the Poor Laws, 1905-1905, in their inspection of the causes of pauperism.

The chapter begins by detailing why attempts to improve the system for the collection and enforcement of bastardy and maintenance orders was desperately needed by lone mothers. Although this need did encourage some organisations and individuals to fight for reforms on their behalf, the remaining sections of the chapter will show that a concern for the plight of lone mother families was not what primarily motivated the government to accept the need for change. Even though the Liberals did, to an extent, give into this pressure, their efforts to make

⁵ Middleton, 1996, p.210.

fathers pay need to be interpreted as having been largely motivated by the desire to demonstrate that they did not wish to undermine the principle of paternal responsibility. In that sense they were clearly disciplinary and moralistic. However, as this chapter will also demonstrate, in common with governments in the 1980s and the interwar years, these Acts were partly implemented in the hope that the cost to the community of supporting lone mother families would be reduced. The remaining sections of the chapter therefore explore these other reasons for the introduction of 1914 Acts: the Poor Law crisis; the growing movement for national efficiency (and the consequent interest in infant welfare); and the politics of welfare reform.

ii) The Scale of the Problem

Of course, the problem of lone mother families then was not as pronounced as it is now. But then, it is not possible to say exactly how big this problem was. There was no definitive way of distinguishing the real widow from the deserted wife (or unmarried mother) who claimed to be a widow. There was also no way of knowing how many unmarried mothers passed their offspring on to their own mothers to be brought up as child rather than grandchild. Official statistics on the illegitimate birth rate show a decline since the late nineteenth century and the First World War. Between 1876 and 1880, 47.5 out of every 1,000 births were illegitimate. This figure had fallen to 39.5 for every 1,000 births between 1906 and 1910.⁷ As far as separated and deserted wives are concerned, there are no statistics to show how many there were, or whether their numbers had increased. Because of the stigma attached to this status it was not perhaps something that would have been admitted to Census officials. Even the pauper census at the time revealed little about this group of women. Although women on outdoor relief without husbands were classified according to whether they were widows, single women without children, mothers of illegitimate children or wives relieved in the absence of a husband, these distinctions were still not applied to

⁶ Fraser, 1984, p.163.

those receiving institutional relief. As most lone mothers before 1914 were not considered 'deserving', most of them would only have been offered the workhouse. The statistics for women in receipt of indoor relief were only classified according to whether these women were 'able-bodied', or 'not able-bodied'.⁸ This lack of information suggests that this group was probably not on the increase. If it had been, presumably the government would have instructed officials to provide some information on their numbers.

Although this indicates that other poverty stricken groups were more visible because of their greater numbers, the issue of lone mother families was not entirely neglected. As noted earlier, they did become the focus of some attention and there were some individuals who wanted to bring their plight to the public's attention in the hope that they would be better provided for. Indeed, it is through records documenting these concerns that it is possible to describe the legal and material difficulties faced by these families in the pre-war era.

iii) The Failure of the System to Make Fathers Pay before 1914

The law before the First World War dealt separately with deserted and separated wives on the one hand, and unmarried mothers on the other. The former group of women had only been able to obtain maintenance orders (and separation orders) in their own name since 1878 when the Married Women (Maintenance in Case of Desertion) Act was passed. This Act was then repealed in 1895 by the Summary Jurisdiction (Married Women) Act which remained intact throughout this period with only one minor amendment - the 1902 Licensing Act. Before the 1920s, there were no separate orders for the maintenance of children, and the upper limit on maintenance orders for wives was £2 a week. Moreover, a wife was only entitled to maintenance on certain grounds: if her husband had been convicted of assaulting her; or had deserted her; if he had been guilty of persistent cruelty to her; or if he had forced her to leave him by not providing

⁷ Registrar General, 1918, p.xxvii.

reasonable maintenance for her and any children. If the wife had committed adultery she lost any right to maintenance, unless 'the husband had connived at or condoned it, or conduced to it by his own neglect or misconduct'.⁹

If a separated woman became chargeable, any relief that was given to her and her children was considered to be given to the husband/father. The guardians could apply to the justices for an order upon the husband to pay a sum towards their relief under the Poor Law Amendment Act, 1868, section 33. Any man who 'wilfully refused' or 'neglected to maintain his family', 'although able to do so', could be prosecuted under section 3 of the Vagrancy Act, 1824, as an 'idle and disorderly person'. This made him liable to be sent to prison with hard labour for a period of up to a month. (This, however, did not apply to men whose wives had left them and committed adultery). Soldiers were treated in exactly the same way. However, the Army Council could make deductions from their pay under the Army Act of 1911. Men who had deserted their wives and made them chargeable were deemed to be a 'rogue' or 'vagabond' and liable to a period of imprisonment for up to three months under section 4 of the Vagrancy Act, 1824.

Mothers of illegitimate children, providing they were unmarried or widowed, had been able to take proceedings in their own name against putative fathers since the 1834 Poor Law Amendment Act. As a result of various amendments to the law from the middle of the nineteenth century,¹⁰ mothers could obtain orders against putative fathers for their children's 'maintenance and education', up to a limit of 5/- a week until the child reached the age of 13 years. Firstly, however, a mother had to prove that a particular man was the putative father by providing corroborative evidence to the satisfaction of the magistrates. More often than not, the only way this could be proved was if the father admitted paternity as blood testing was not available yet.¹¹

⁸ See, for example, RCPL, (1910), Appendix Vol. xxv, p.68 and p.116-p.117.

⁹ Finer and McGregor, in the Finer Report, (1974), Vol. 2, p.107.

¹⁰ The Bastardy Act, 1845; The Bastardy Laws Amendment Acts, 1872 and 1873; The Bastardy Orders Act, 1880. For further discussion see Henriques, 1967.

¹¹ SCBO, 1909, Appendix 4, p.65.

If the illegitimate child became chargeable the guardians had to follow a similar procedure to obtain an order against the putative father, under the Bastardy Laws Amendment Act, 1873. (Although some relieving officers may have preferred to put pressure on the father to marry the mother of the illegitimate child to 'keep her off the rates',¹² under section 8 of the Poor Law Amendment Act, 1844, 'any Poor Law officer endeavouring to induce any person to contract marriage by threat or pressure respecting any application to be made or order to be enforced with reference to the maintenance of a bastard child is guilty of misdemeanour').¹³ Payments under orders granted to guardians had no upper limit and were recoverable until the child ceased to be chargeable. However, any orders made either by the mother or the guardians were subject to appeal by the father to the Quarter Sessions if he wanted to have the amount reduced. (Mothers had no similar right to appeal when a magistrate refused to grant an order - they could only apply for a second summons if they had 'fresh evidence').

If a putative father failed to pay and either the mother or the guardians took proceedings out against him, the justices could issue a warrant and have the man returned to court. If he still did not pay they could then issue a distress warrant on his goods and, if that was not successful, he could then be imprisoned for up to three months.¹⁴ Maintenance orders for separated and deserted wives were enforceable in the same manner, that is, by distress and/or imprisonment.¹⁵

Although this system was, in theory, satisfactory to ensure the payment and recovery of maintenance or affiliation orders, in practice, it was an administrative failure. The following table illustrates this failure by showing the numbers of men imprisoned for non-payment during this period in those cases where the mother had made the order in her own name.

¹² RCD, 1913, Vol. 2, p.199.

¹³ SCBO, 1909, Appendix 4, p.66.

¹⁴ Bastardy Laws Amendment Act, Section 4, 1872.

¹⁵ PRO HO45/16270, *Note on the Law Relating to Affiliation Orders and their Enforcement, with Text on the Principal enactments Relating to Enforcement.*

TABLE 2.1: Numbers committed by Magistrates' Courts for non-payment of wife's and children's maintenance, and bastardy arrears. (Yearly averages).

Year	Matrimonial Orders			Bastardy and Affiliation Orders		
	No. of Orders	No. imprisoned	% Imprisoned to orders	No of Orders	No. imprisoned	% imprisoned to orders
1900/04	7,375	1,662	23	6,182	1,081	17
1905/09	7,500	2,114	28	6,699	1,693	25
1910/13	7,408	2,154	29	6,767	1,683	25

Source: McGregor et al., 1970, p.32.

However, the system did not just fail those mothers who had been granted an order. Although their numbers are unknown, evidence suggests that many lone mothers were often deterred from even seeking an order in the first place. This was because 'once in court innocent young girls are cross-examined ... and the public who watch very often only go there to be amused and entertained'.¹⁶ In these, predominantly male, courts lone mothers also had to endure 'filthy talk and disgusting names in the presence of children which is often worse than blows'.¹⁷ As a consequence, evidence suggests that many women remained in intolerable marriages rather than go through this ordeal. As one such woman reported at the time:

The boys say 'leave him mother', but *I could not* wash our dirty linen in public, and if I did, it is the children who would suffer.¹⁸

¹⁶ SCBO, 1909, Minutes of Evidence, p.50.

¹⁷ RCD, 1913, Vol. 2, p.191.

¹⁸ Ibid., Vol. 3, p.167

The experience of attending a magistrates court could be even more unpleasant for separated wives who were required to give details of adultery. Moreover, their cases were often published in newspapers for the press thrived on feeding the public's taste for such scandals, even though there was widespread concern at the time about the corrupting influence of such stories on young readers.¹⁹

Many lone mothers were also handicapped by their ignorance of the legal system. When giving evidence to the Royal Commission on Divorce a Court Missionary said:

It is pitiable for one who knows what they have suffered to see them try and put their case. They cannot see the legal aspect of the case, and the magistrate and the clerk are often at their wits-end to get at the facts; yet I have seen frequently the hardships a poor woman endures and her forbearance and patience before she comes to the court.²⁰

Lone mothers who did go to court and managed to be awarded orders, often found that the amounts granted were for far less than the statutory limits. In the case of separated wives, this was a deliberate ploy used by some magistrates who hoped that, through a lack of money, they would go back to their husbands.²¹ The amount a woman was granted could also depend on where she lived because, generally speaking, county or police courts were less generous than borough courts.²²

Separated or deserted wives who were granted maintenance orders also had to wait for one month before payments could commence. This was not some legal anomaly but another measure which had been designed to encourage reconciliation.²³ They also had to remain 'chaste', otherwise their husbands could

¹⁹ Ibid., 1912, Vol. 1, p.441.

²⁰ Ibid., 1913, Vol. 2, p.191.

²¹ Ibid., Vol. 3, p.440.

²² Ibid.

²³ This claim was made by a number of witnesses appearing before the RCD, see, for example, 1913, Vol. 2, p.254.

have their orders discharged, although there was no penalty on the man if he committed adultery.²⁴

If absent fathers failed to pay maintenance or affiliation orders, or got into arrears, the remedy was not as easy as the law implied. If the lone mother had not resorted to the Poor Law, she alone was responsible for chasing the husband/putative father and had to pay the costs involved. In 1912 the cost of a summons was half-a-crown, and 5s. 6d. to take out a warrant if the summons was unsuccessful. This was clearly too expensive for the vast majority of women in this situation.²⁵ Attending court again also meant having to take time off work and many lone mothers could not afford to risk losing their jobs by being absent for the day and a half it entailed.²⁶ In any case, there was little that the courts could do if an absent father was determined not to pay. Just as in the present day, absent fathers resorted to various tactics to avoid paying. It was certainly not unusual for fathers to abscond. Nor did they have to go very far, as the following case illustrates:

Woman had been ill-treated by her husband almost from the time of the marriage, sometimes brutally, and he has not been faithful to her for many years. Not only has she seen him with other women, but the children too have seen him. A deed of separation was drawn up and he agreed to pay 10s. a week, but left the town with a woman and did not pay. The wife spent her hard-earned savings, nearly 20l., in trying to find him. She found him living with a woman under an assumed name and applied for a summons, but he did not appear and left the town again.²⁷

As today, men were also known to cause the mothers of their children 'unpleasantness' in order to evade payment.²⁸

If absent fathers were arrested and imprisoned for failure to pay, this was not necessarily to their disadvantage because imprisonment wiped out all the arrears.

²⁴ RCD, 1913, Vol. 2, p.254.

²⁵ Ibid., 1912, Vol. 1, p. 441.

²⁶ Ibid., 1913, Vol. 2, p. 297.

²⁷ Submitted by Margaret Llewellyn Davies to the RCD, 1913, Vol. 3, p.163.

²⁸ RCD, 1912, Minutes of Evidence, Vol. 1, p.173.

Some men even went back to the courts and asked to be sent to prison so that their arrears could be wiped out.²⁹ Once a man had been imprisoned though there was even less chance of him making regular payments. This was not just because of the effect it had on his employment but because

once he has been to prison ... he seems to lose heart, and does not care to keep up his payments at all, and very rarely does.³⁰

Even when payments were regular, the majority of lone mothers found that they were not enough to survive on. It was very rare for all categories of lone mothers to be awarded orders near the statutory limits which had not, in any case, been increased since the 1870s. Then, as now, the average income of a working man was insufficient to keep two households.

The income of working men affected by these orders may be taken to vary roughly between 20s. and 40s. per week. This sum represents, when properly expended in a joint home, a tolerable degree of comfort, and, administered with a fair amount of skill, does often result in a wholesome and satisfying home. When, however, instead of being applied to the upkeep of one home it has to support two different homes its inadequacy becomes at once apparent. It is in many cases impossible for either of the parties to maintain a standard of life necessary to keep them either reasonably comfortable or moderately efficient.³¹

Moreover, magistrates were reluctant to award an order for a large proportion of a man's wages because

the magistrates take a rather lenient view of the man and rather a large view of the man's necessities, and say the man must be able to keep himself respectable; and if he is to be at work he must live well; these things are taken into consideration and dwelt upon too largely ...³²

²⁹ Ibid., 1913, Vol. 2, p.234.

³⁰ SCBO, 1909, Minutes of Evidence, p.29.

³¹ RCD, 1913, Minutes of Evidence, Vol. 2, p.106.

³² Ibid., p.315

Even though the limits on bastardy orders existed primarily to protect 'innocent' men from being blackmailed,

in many of these cases the fathers of the children are boys earning very little; the order is made for half-a-crown a week.³³

In common with lone mothers, the Poor Law guardians also had little success in making fathers pay. Annual Reports of the LGB from this period, however, give no indication of the amounts recovered from absent fathers. However, there are statistics which show the number of applications for orders made by the Poor Law and the number of imprisonments that occurred for non-payment. If this is used as a yardstick by which to judge their success then, as the following table shows, the guardians had even less chance of recovering money than a lone mother did. Although the high rates of imprisonment may have indicated the greater poverty of men chased by guardians, or the greater propensity for Poor Law officials to chase them, there is no evidence to suggest that magistrates were less lenient on these men when they set the amount of an order, or when they were summoned to court for non-payment.

TABLE 2.2: Numbers committed by Magistrates' Courts for non-payment of Poor Law, bastardy and maintenance orders. (Yearly averages).

Year	No. of orders	No. imprisoned	% imprisoned to orders
1900/04	4,244	2,039	48
1905/09	4,506	2,202	49
1910/13	3,661	2,015	55

Source: McGregor et al, 1970, p.33

³³ SCBO, 1909, p.52.

Poor Law guardians faced many of the same difficulties as lone mothers, when they attempted to obtain or enforce orders. For example, in cases where the man had absconded the guardians were in the same situation as the mothers and unable to do anything. Like the women, they also had no power to recover maintenance from men who had gone to live in the 'British Colonies' or abroad and left their dependants chargeable. Moreover, in bastardy cases the guardians were doubly disadvantaged. Not only were they unable to charge a putative father with the cost of maintaining the mother before, during and after her pregnancy,³⁴ but they were also hampered because these women often left the workhouse so soon after their confinement that the guardians did not have sufficient time to even apply to the courts for an order.³⁵ Even when they did manage to get an order, some guardians complained that it was not unusual for mothers and putative fathers to collude to agree that the man should make inadequate payments.³⁶ This was perhaps because, as today, the mother would not have benefited from any money the man paid to the guardians. Presumably some unmarried women had on-going relationships with the fathers of their illegitimate children, and simply had no choice but to enter the workhouse. Poor Law officials also claimed that the system encouraged desertions by married men because it seemed to them that they occurred especially at the time of a wife's confinement. They therefore concluded that many wives knew where their husbands were and should not have been given relief.³⁷ However, even though desertion was a criminal offence, if a wife and her children became chargeable husbands still managed to avoid prosecution:

I have known many cases where, under the threat of prosecution, the husband has taken the wife out of the workhouse and then left her in the street.³⁸

³⁴ RCPL, 1911, Vol. xi, p.138.

³⁵ SCBO, 1909, Minutes of Evidence, p.41.

³⁶ Ibid., p.6.

³⁷ RCPL, 1909, Appendix Vol. xviii, p.11.

³⁸ This was according to a Court Missionary cited in RCD, 1913, Vol. 2, p.191.

Finally, if the mother of an illegitimate child was 'insane' or died there was no legislation by which guardians could seek an order from the putative father for the maintenance of his child because this was prohibited without the mother's evidence.³⁹

The laws relating to the collection and enforcement of bastardy and maintenance orders during this period were, therefore, practically dead letters. As a result of having set up the Royal Commission on Divorce, 1912, and the Select Committee on Bastardy Orders, 1909, this state of affairs was something the Liberal government could not ignore. This Commission and Committee gave those who had a genuine desire to improve the material circumstances of lone mother families a chance to make themselves heard. In particular, it was individuals who belonged to organisations, such as the Associated Societies for the Protection of Women and Children, which had direct contact with lone mothers, who were most forceful in demanding reform. Similarly, the increase in the number of Lady Guardians on Boards of Guardians in some parishes also helped to bring this matter to the governments attention. Having responsibility for the female inmates in her charge one Lady Guardian, for example, told the Select Committee on Bastardy Orders that the law should be strictly formulated so 'that the father should be made to feel what a responsibility fatherhood is'.⁴⁰

Thus, as now, it was predominantly middle class women who decided that the best solution to the plight of lone mothers was not collective provision but private provision by fathers. Although the majority of population at the time would not have questioned this principle, it was this sector of society who instigated the movement towards harsher legislation to coerce men into paying. Their primary motive was not, however, to save ratepayers money but to strengthen the family and reinforce their own notions of morality. One of the reasons why the Royal Commission on Divorce had been set up was because of fears that the family was in crisis. Evidence had emerged showing that as the

³⁹ RCPL, 1911, Vol. xi, p.122.

⁴⁰ Miss Mary James, of the Parish of St Matthew, Bentnal Green, SCBO, 1909, Minutes of Evidence, p.46.

majority of people could not afford divorce they had little choice but to form 'immoral unions' following the breakdown of marriages. The main recommendation of the commissioners was to call for legislation to make divorce easier so that when new unions were formed couples could re-marry. This was not only to prevent any children being born to such couples from being illegitimate but also as an attempt to improve the moral standards of the lowest sections of the community whose moral behaviour they described as 'deplorable'.⁴¹

iv) The Experience of Lone Motherhood before World War 1

Lone mothers struggle for survival during this period also demonstrates that there was an urgent need to find a more adequate system for their financial support. The following will describe the difficulties they encountered in their attempts to be self-supporting in the period from 1900 to 1914. However, there is no evidence to suggest that their needs were of any concern to the majority of politicians and civil servants, just as the need to ameliorate the poverty of lone mother families was of no concern to the Conservative Government in the 1980s. Even though some of the witnesses to the various Commissions and Committees in the early years of the century may have wanted change primarily for the benefit of these women, the authors of the various reports gave no indication that this was behind their calls to improve the opportunities for these women to obtain orders.

Needless to say, the deterrent Poor Law was the last resort for lone-mothers, as it was for anyone who found themselves destitute at the beginning of this century. The surest route to financial security was, therefore, either by marriage in the case of unmarried mothers (if they had kept their illegitimate children and had not for example, had them illegally adopted), or cohabitation for separated or deserted women. Although it is not known how many women succeeded in

⁴¹ RCD, 1912, Report, p.40.

taking either of these routes out of poverty, as previously noted, cohabitation, or 'illicit unions', were not uncommon in this period. A solicitor who appeared before the Royal Commission on Divorce claimed to have come across

several cases where women have deliberately gone to live with men because they have been unable to keep themselves and their children on the amount of moneys which have been granted to them by the justices.⁴²

Other witnesses pointed out that cohabitation often occurred when women sought to supplement their income by taking in lodgers: 'If she takes in lodgers she invariably enters into another connection'.⁴³

If lone mothers did not go down this path, they tried to support themselves and their families through work or even prostitution. Obviously, it is impossible to gauge the extent to which such women resorted to prostitution. However, the fact that the Criminal Law Amendment Act was passed in 1912 to deal with the problem of 'disorderly houses' suggests that prostitution was widespread enough for it to be seen as a problem. Moreover, Willis claimed that he came across mothers of illegitimate babies who had turned to prostitution when he was conducting his investigation into sweated labour in 1914.⁴⁴ Some of those giving evidence to the Gorell Commission also claimed that some unmarried mothers joined the ranks of 'public women'.⁴⁵

It is also difficult to estimate the number of lone mothers who were successful in supporting themselves paid employment. If they were able to, it was unlikely that would have been very well off. The type of employment available to them was usually poorly paid.⁴⁶ In any case, unless they were able to find someone to care for their children, and at a rate they could afford, working as a route out of poverty would not have been an option. If they did manage to overcome these

⁴² RCD, 1912, Vol. 1, p.440.

⁴³ Ibid., 1913, Vol. 2, p.301.

⁴⁴ Willis, 1914, p.40-p.42.

⁴⁵ See, for example, RCD, 1913, Vol. 2, p.107.

⁴⁶ For further discussion on this subject, see, for example, Lewis, 1984, p.145-p.217.

problems, working and bringing up children was often a struggle. The following case submitted by Margaret Llewellyn Davies to the Royal Commission on Divorce was not untypical:

Her husband left her five years ago ... she heard soon after that he had gone away to America with another woman. Anyhow she had neither seen nor heard of him since he went away. She had to go out and work. They had nothing to depend on, only what she earned. The work was very hard, she had not been used to it, and after a few months she broke down, was ill in bed for weeks ...⁴⁷

The obstacles to employment outside the home explains why such women took in lodgers, if they had the room. Alternatively, they may have become homeworkers but, as the evidence put before the 1907 Sweated Labour Committee shows, this would not have provided them with the means to support their families adequately. Writing in 1914, Willis described such workers as 'White Slaves of Toil' for most of them spent their lives working extremely long hours, often in the most appalling conditions, for far less than a living wage. Although it is impossible to say how many lone mothers undertook homeworking, Willis provides evidence that some did:

The number of heart-broken deserted women one finds toiling alone, dispirited and utterly hopeless, is terrible and a great blot on the manhood of our country.⁴⁸

If lone-mother families could not support themselves with maintenance and/or wages, as seems to have been the case for the majority, their next recourse was to seek aid from friends and family members. Even though it was more likely that lone mothers then would have lived in closer proximity to their families than they do today, there was obviously a limit to their ability to help, at least for any length of time. When this support was not available or ended, lone mothers had no choice but to turn to the guardians. The deterrent nature of the system of

⁴⁷ 1913, Vol. 3, p.164.

relief made this an undesirable experience. Also, the principle of 'less eligibility' ensured that they were only provided with the barest means of survival.

Until the First World War, and beyond it, there were no uniform scales of relief. Nor was there any uniformity between Unions with regard to the way they treated the poor. Generally speaking, however, unmarried mothers were compelled to enter the workhouse where, according to regulations, they would have been separated from their illegitimate babies after their confinement. (This perhaps explains why so many took their babies and left as soon as they could after the birth). Deserted wives were also usually only offered the workhouse. A Local Government Board Circular of 1872 instructed guardians that 'Outdoor relief should not, except in special cases, be granted to any woman deserted by her husband during the first twelve months after desertion'.⁴⁹ This was supposedly to guard against collusion by husbands and wives making false claims for relief. Guardians were also only supposed to offer separated wives the workhouse.⁵⁰

In practice, however, not all unions respected these rules. In England and Wales in 1906, some 284 mothers of illegitimate children received outdoor relief as did 5,431 wives without husbands.⁵¹ The authors of the Majority Report on the Poor Law and the Relief of Distress cited the parishes of St. Pancras and Camberwell in order to illustrate the impact of local variation. They claimed that in the former the wife was always taken into the workhouse but in the latter they always got outrelief.⁵² Possibly the small numbers of women with illegitimate children getting outrelief reflects the heavy stigma that was attached to this condition. However, the numbers of separated or deserted women getting outdoor relief suggests that the guardians had little incentive to implement the recommendation of the 1872 circular. This may have been because it was cheaper to offer a separated or deserted woman outdoor relief rather than take

⁴⁸ Willis, 1914, p.85.

⁴⁹ LGB, 1872, p.67, para. 2.

⁵⁰ RCD, 1913, Vol. 3, p.306.

⁵¹ RCPL, 1910, Appendix, xxv, p.116-p.117.

⁵² Ibid., 1909, Majority Report, p.207.

her into the workhouse. The cost of keeping an indoor pauper in 1912 was £29 13s. 0½d. compared to £7 4s. 7d. for an outdoor pauper.⁵³

Sometimes a women was offered a choice as the following case shows:

She applied to the guardians to grant her a small sum per week till her children got a little older ... they told her they could not do anything till she sold part of her home. The proceeds of her furniture they said, would keep them a few months longer. There was one alternative, she could go in the workhouse if she liked.⁵⁴

Other lone mothers were refused relief because of the settlement laws. We know of one case where this happened to a deserted woman with 6 children: she originally came from Bradford but because of her husband's employment, had moved to Leeds where the family lived for four years. When he deserted her, she and her children could not find work in Leeds so they returned to Bradford. The Bradford guardians refused them relief and would only give them the money for their fares back to Leeds where their settlement was. However, because this woman knew she would not be able to find employment there, she could not accept the guardians offer. Eventually this women did manage to find work in Bradford but

Mrs G. ... says that she wishes that she had not to go to the mill, for when she comes home she is far too tired, after standing all day, to start baking and washing ... On her way home from the mill this evening she pawned the shawl which she was wearing, to get money for bread and jam for their tea ... Mrs G. told me (without any complaints) of the hard struggle they have had since they came to Bradford, and being strangers, they did not know where to turn for help. One day they were nearly all starving and the little children were crying for food.⁵⁵

Guardians were prepared to supplement lone mother's wages in some cases. Although this was more commonly a method use to relieve widows (because they were considered more respectable and 'deserving' than other categories of

⁵³ LGB, 1913, p.126.

⁵⁴ Case submitted by Llewellyn Davies to the RCD, 1913, Vol. 3, p.164.

⁵⁵ RCPL, 1910, Appendix Vol. xxi, p.18.

lone-mothers), a case of this happening to a deserted wife was referred to in the Majority Report of the Royal Commission on the Poor Laws.⁵⁶

Constance Williams and Thomas Jones conducted an enquiry for this Royal Commission to look into the effect of outdoor relief on the level on women's wages. Although it was not in their remit to inquire into the status of the women they investigated, it is safe to assume that the information contained in their report also applied to separated and deserted wives. They found that there was much local variation in the amount of outrelief that women received:

Some guardians encourage applicants to earn all they can and do not reduce the relief; others cut down the relief as wages rise, or as children begin to earn; others seem to think changes in income irrelevant to the amount of relief given ... No board in the unions we have examined gives adequate relief on condition that the mother ceases work.⁵⁷

Even though it may appear that the guardians who granted relief without deductions were being generous, it has to be noted that these guardians relied 'on there being undisclosed resources and relieve[d] accordingly'.⁵⁸ Women in the other categories could find themselves in the equivalent of what is known today as a 'benefit trap':

A.B. deserted by husband. A strong able-bodied woman in receipt of out-relief. Work was found for her by the Charity Organisation Society. She Demurred: 'What's the use? I shall be no better off; my relief will be stopped: she had not been on relief long. Previously, for five years, she supported herself bravely, but grew tired.'⁵⁹

Boards of guardians determined the treatment of such women on mainly moral criteria but where possible they used this as a means of saving ratepayers money. It is not surprising, therefore, to find that some women tried passing themselves

⁵⁶ Ibid., 1909, p.205.

⁵⁷ Ibid., 1909, Appendix, Vol. xvii, p.3.

⁵⁸ Ibid.

⁵⁹ Ibid., Majority Report, 1909, p.205.

off as widows rather than let it be known that they were separated.⁶⁰ The relieving officers job was to keep such women off the rates. This meant that other tactics were also used to deter women from seeking relief. For example, the procedure that had to be gone through when asking for relief was designed to be as unpleasant as possible:

A young woman overtaken by the consequences of her transgression, and applying for maternity relief, had first to detail her story to the Relieving Officer; next she had to appear before a Board, composed mainly of men, where she was liable to be questioned by anyone who chose to speak.⁶¹

This treatment was also applied to deserted women, and one described the questions the guardians asked as 'revolting and insulting'.⁶²

As a result many women would have delayed seeking relief for as long as they possibly could. They may also have done this out of fear of losing their children altogether for under the Poor Law Acts of 1889 and 1899, Boards of Guardians were empowered to adopt children who became chargeable if their parent(s) were deemed to be 'unfit, by reasons of mental deficiency or of vicious habits or mode of life, to have charge of them'.⁶³ Although the extent to which these powers were used against separated, deserted or unmarried women is not known, the numbers of children adopted by guardians increased considerably between 1902 and 1908, from 7,724 cases to 12,417.⁶⁴ Evidence from the Birmingham Board of Guardians shows that it adopted 1,213 children between 1912 and 1921 and that out of this total 393 were orphans, 196 had been deserted, and 623 were of 'parents unfit to control them either by reason of mental deficiency or because of vicious habits or modes of life'.⁶⁵ Moreover, the guardians had every incentive to take this kind of action because children adopted by them could be boarded-out which was considerably cheaper than maintaining them in

⁶⁰ RCD, 1913, Vol. 3, p.167.

⁶¹ RCPL, 1910, Appendix, Vol. xxi, p.87.

⁶² Case submitted by Llewellyn Davies, RCD, 1913, Vol. 3, p.164.

⁶³ LGB, 1911, p.16.

⁶⁴ Ibid., p.16.

⁶⁵ PRO, HO45/1154.

institutions. This would also have kept the mothers out of the workhouse, giving the Guardians another advantage - if the mother became employed the Poor Law authority could then pursue her for contributions towards the child's maintenance. One district inspector at the time went so far as to say that the boarding-out method was too frequently used by boards because of its cheapness. More importantly, he also added that

where cheapness is the chief consideration, or there is insufficient inquiry into the suitability of the home the results are not satisfactory. Generally speaking, people do not become foster parents from actual love of the children; the object is to increase the family income by the pay which guardians allow. This pay is sometimes not more than 2s. 6d. a week with an allowance of 10s. a quarter for clothes but this latter amount is not always given.⁶⁶

However, where this did not happen, and mothers and children became chargeable, it then became the guardians responsibility to do all they could to recoup the expense from the husband or putative father.

Having demonstrated that legislation was clearly required to overcome the problems faced by lone mother families the following section outlines the main features of the reforms that were eventually enacted in 1914.

v) The Affiliation Orders Act and the Criminal Justice Administration Act, 1914

The Affiliation Orders Act, 1914, aimed to make it more difficult for putative fathers to evade paying orders and to ensure that they did not fall into arrears. In order to achieve the former objective, a putative father was required under section 4 of the Act to inform the courts of any change in his address. If he failed to do so, he could be fined up to a maximum of £2. Under section 1 of the Act, magistrates courts were required to appoint a collecting officer. After the

commencement of the Act, all existing and future affiliation orders were to be paid to this officer. It was then his duty to pass the money on to the mother of the child. The only exceptions to this were in cases where either party satisfied the court that it would be 'undesirable' for payments to be made to this third person. If payments fell into arrears, after seven days the collecting officer was required to inform the mother in writing. At the mothers request, the collecting officer could then proceed in his own name for the recovery of the payments. If the arrears continued to remain unpaid, then magistrates, under section 2 of the Act, could order the attachment of any income or pension payable to the putative father⁶⁷. However, some kinds of income and pension were not capable of being attached. As a result of a successful campaign by organised labour in the late 1860s, which led to the Wages Attachment (Abolition) Act, 1870, the wages of 'servants, labourers and workmen' became protected from any form of attachment.⁶⁸ Pensions such as Army and Navy Pensions and Old Age Pensions were also protected.⁶⁹ As the 1870 Act had not been repealed, the 1914 Act therefore only had a limited ability to attach earnings.

Similar legislation to tighten up on the payment of maintenance orders was provided for under section 30 of the Criminal Justice Administration Act, also passed in 1914. Under this Act the magistrates courts could also direct that maintenance payments be made through an officer of the court 'if it thinks fit'. In practice, the officer of the court was to be the person appointed as the collecting officer under the Affiliation Orders Act. However, under the Criminal Justice Administration Act, no provision was made for the collecting officer to recover arrears. This was because the Married Women (Maintenance) Bill was expected to become law in 1914 which would have empowered collecting officers to notify a married women if arrears equivalent to four weeks' payments had accumulated. It also intended to give collecting officers the power to instigate

⁶⁶ LGB, 1911, p.62.

⁶⁷ For further details see: PRO HO45/16270, *Note of the Law Relating to Affiliation Orders and their Enforcement, with Text of Principal Enactments Relating to Enforcement*; PRO HO45/23128 ref: 4269.

⁶⁸ Finer, 1974, Vol. 1, p.119.

⁶⁹ Statement made by the Under Secretary of State for the Home Office, 6 December 1932, PRO HO45/16270

proceedings at the woman's request. Although the War interrupted the passage of this Act because Private Members Bills were not permitted during the war years, for reasons which will be described in chapter four these measures were not introduced until 1925.⁷⁰

In addition to the above, if either maintenance or affiliation orders fell into arrears, under section 4 of the Criminal Justice Administration Act, money as well as goods could be taken if a distress warrant was issued. The court could then use this money in part or full payment of any arrears. Section 3 of the Act also empowered magistrates to reduce the sentence of a man already in prison, if he paid part or all of the sum owing. The amount it could be reduced by was to be calculated 'by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid'. Clearly, both of these provisions were aimed at encouraging men to buy themselves out of prison and thus, spare the Home Office from further expense should more men be imprisoned as a result of either of the 1914 Acts.

In order to prevent the cost of employing collecting officers from falling on ratepayers, the government also specified that lone mothers or absent fathers should remain liable for the costs of proceedings.⁷¹ Even though initially collecting officers were to be paid out of local funds, this was only to be a short-term measure. It was intended that the functions of collecting officers would be taken over by justices' clerks when the Justice of the Peace Bill was passed. As this function would then be part of the clerks duties they would not need to be separately remunerated.⁷²

Although, as previously noted, these Acts were in part the outcome of efforts by groups and individuals who believed that lone mothers deserved better treatment under the law, it was not this concern that prompted the Liberal Government to

⁷⁰ Under the Summary Jurisdiction (Separation and Maintenance) Act.

⁷¹ Section 31, Criminal Justice Administration Act.

⁷² PRO HO45/23128 ref: 4269.

concede to their demands. Although the 1914 legislation to make fathers pay may not have come about if Private Members of Parliament, such as Captain Bowyer who helped draft the Bills, had not fought hard on behalf of the campaigners, at the end of the day Liberal politicians and members of the civil service could see a point in supporting them. In order to understand the reasons why they finally conceded to support the passing of the 1914 Acts, it is necessary to explore the context within which they took place.

vi) The Context of Reform

- THE CRISIS IN THE POOR LAW

As is commonly recognised, official interest in social reform in the early twentieth century was largely stimulated by the crisis in Poor Law finance.⁷³ Between the 1870s and 1906, the mean annual expenditure per pauper had increased from £9 8s. 11d. to £14 13s. 11d.⁷⁴ The rising cost of indoor relief was mainly responsible for this increase: between 1871/72 and 1905/6 this had risen by 113 per cent although the number of indoor paupers had only gone up by 76 per cent.⁷⁵ Although this had forced up rates to an unacceptable extent, private investment in suburban development added to the strain on local finances. Ratepayers had found themselves responsible for paying for roads, sewerage, lighting, police and schools for expanding urban areas.⁷⁶

The problem of local government finance came to inform the whole tenor of political debate over social reforms in general. As the direct cost of local and national expenditure was mainly borne by a disgruntled and poverty stricken labouring population,⁷⁷ it was impossible for the government to instigate any measures which would have increased local expenditure. Moreover, between

⁷³ See, for example, Offer, 1981.

⁷⁴ Gilbert, 1966, p.275.

⁷⁵ Rose, 1972, p.41.

⁷⁶ Offer, 1981, p.231.

⁷⁷ Ibid., p.288-p.289.

1905-7, ratepayers were already demonstrating their disapproval of existing rate levels through the formation of ratepayers associations. Having demanded rate cuts, they would not have been prepared to finance further government reforms that relied on the community for finance. As one Local Government Board Inspector put it in 1912:

the fast growth of expenditure very naturally explains the reluctance which the guardians have in initiating reforms suggested by the Royal Commission on the Poor Laws and the Relief of Distress where such reforms might be expected to add ... to the already heavily burdened ratepayer.⁷⁸

Because of this the majority of the Liberal welfare reforms were framed to avoid placing a greater financial burden on local communities wherever possible. This was certainly the principle behind compulsory insurance schemes. Where this was not possible, as in the case of making better provision for the administration of bastardy and maintenance orders, making the father pay may have appeared to offer a way of saving ratepayers money on supporting lone mother families. However, the Liberal Government's initial lack of enthusiasm to pass any measures to coerce more men into paying suggests that they did not believe that that there would be significant financial gains to be made from such intervention. However, once it had become apparent that one of the reasons for the increase in the cost of the Poor Law was the rising cost of children, the government came to view the idea of making fathers pay more favourably.

The numbers of children being relieved increased in the first decade of the twentieth century. On 1 January 1900 there were 199,370 children in receipt of indoor relief and 158,190 on outdoor relief. By the 1 January 1910 their numbers had increased to 270,655 and 184,095 respectively.⁷⁹ Moreover, in the few years until 1909, during which time there had been attempts to reduce the numbers of children in workhouses, there was a 25 per cent increase in the number of

⁷⁸ LGB, 1912, part 1, p.114.

children in cottage homes and scattered homes.⁸⁰ In the context of the growing concern over infant mortality (see next section) the focus on children, childcare and their treatment became the central cause of public concern.⁸¹ This was reflected in legislation that was passed to deal with the consequences of child poverty: the Midwives Act, 1902; the Education (Provision of Meals) Act, 1907; the Notification of Births Act, 1907; and the Children Act, 1908. As all these measures necessitated greater local and central expenditure, the Liberal Government became less opposed to the idea of making the father pay if there was a chance that perhaps some of this expenditure could be recouped.

However, the welfare reforms that affected needy children did not simply cause alarm to those who had to fund them. Much of the opposition to the provision of school meals or medical services sprang from politicians and moralists who argued quite convincingly that, by offering public provision for the support of children, the government might be saving child life and securing the health and well-being of future generations, but it was also undermining the legal obligation on husbands and fathers to provide. This perceived diminution of paternal responsibility was also a anathema to the working classes to whom ‘community, solidarity, parental authority, family integration, and mass membership of a wide range of self-governing associations’⁸² were of great importance. Within these quarters it therefore seemed that the government was intent on pauperising the working classes. Paternal provision had been the foundation of Poor Law orthodoxy and the premise upon which legal provision was founded. It was not easily abandoned, as we shall see. The economic substructure on which family life was based stressed this obligation. Under it, wives and children were viewed as legal dependants and the man who failed to provide subjected his family to imprisonment (so to speak) in the workhouse. He also earned a reputation for himself and them, second only to that of the convicted criminal. Within this context, the lone mother unsupported by an individual male provider was unacceptable: it signified that some man was not doing his duty. Given this

⁷⁹ Ibid., p.151.

⁸⁰ RCPL, 1909, Appendix Vol. xviii, p.2.

⁸¹ For an in-depth discussion of this see, for example, Davin, 1978; Lewis, 1980.

moral climate, the Liberals realised that they could alleviate fears that the state was taking over the father's duty through passing statutory measures such as the Affiliation Orders Act and the Criminal Justice Administration Act.

Increasing demands to bring about a change in the treatment of lone mothers also threatened the status quo. It also had the potential to add to the ratepayers burden. Even though such women were not a large component of workhouse inmates (as far as we know), their role in the problem of pauperism also came to the public's attention through the work of the Royal Commission on the Poor Laws. The authors of the Minority Report were particularly critical of mixed workhouses and the practice of placing all destitute women together:

The young servant out of place, the prostitute recovering from disease, the feeble-minded women of any age, the girl with her first baby, the unmarried mother coming in to be confined of her third or fourth bastard, the senile, the paralytic, the epileptic, the respectable deserted wife, the widow to whom outdoor relief has been refused, all are herded indiscriminately together. ... to the reputable clean-minded inmate this association with the depraved is the bitterest and most humiliating experience of life.⁸³

The authors of the Minority Report were eager to distinguish different categories of lone mother, to separate the deserving from the less deserving cases, leaving only the latter as candidates for Poor Law treatment. They argued that women who became pregnant with illegitimate children for the first time should be cared for in voluntary homes paid for out of local funds. This proposal was based on the growing belief that such women had more chance of being 'rescued' if they were kept away from harmful influences inside the workhouse. 'Incurable' cases, that is those who had sinned for a second time, were more problematic and believed to be in need of greater surveillance. In the proposals of the Webbs, the local authority (following the abolition of guardians) would be given charge of such women:

⁸² Harris, 1993, p.214.

⁸³ Minority Report, RCPL, 1909, Vol. 3, p.10 and p.16.

... the girl expectant mother (already presumably within the supervision of the health visitor under the chief medical officer), who might come into the maternity ward for her confinement, would remain under the same supervision after her discharge, and, in fact, throughout the infancy of her child, and would, if certifiable as feeble minded, be reported to the Town or County Council Committee dealing with the mentally defective.⁸⁴

Hence, the unrespectable unmarried mother was liable to remain a client of the workhouse, or possibly a similar institution, where sexual segregation removed the likelihood of the problem being further complicated or repeated.

The authors of the Majority Report were in full agreement with the above:

we urge that careful discrimination should be exercised in dealing with the unmarried mothers who apply for relief... For young mothers coming for the first time we recommend treatment in special homes, voluntary where possible... For depraved women we recommend that the Local Authorities should have power to arrange for their detention in suitable institutions.⁸⁵

Clearly, if some lone mothers were to be saved from the deterrent workhouse and be 'rescued' in more costly, private homes then this would also increase expenditure as it was unlikely that the expense could have been met by charity alone. Similarly, the capital and running costs of providing specialist institutions for the 'depraved' would also have to come from somewhere. Therefore, in addition to wishing to avoid the extra cost of keeping children out of the workhouse, the government may also have been encouraged to save itself from the expense of maternity homes by making fathers pay. However, it was the issue of national efficiency which largely gave rise to the belief that the wellbeing of most mothers and their children (including some of those whose fathers were absent) was vital to the community. Moreover, it was this issue that

⁸⁴ S. and B. Webb, 1910, p.243.

⁸⁵ Majority Report, RCPL, 1909, Vol. 1-2, p.154.

lay behind many of the demands calling for a better standard of provision for those lone mothers and children who came to be seen as 'respectable'.

- THE POLITICS OF NATIONAL EFFICIENCY

The question of Poor Law reform became inextricably bound up with what historians commonly refer to as the National Efficiency Movement, although it is clear that this was not one movement, but several, containing elements that viewed the causes of a projected national decline from very different perspectives. From the late nineteenth century, variable economic performance combined with the growing respectability of eugenic studies focused public attention on various threats, both internal and external, to Britain's imperial pre-eminence. In this context, the exposed poverty of major conurbations and the rising costs of pauperism were symptomatic of wider problems, rooted largely in a malfunctioning labour market; in casual employment, sweating and the lack of conciliation mechanisms to forestall industrial conflict. The issue gained a further political dimension as an indirect consequence of the Boer War, with the reports of the Interdepartmental Committee on Physical Deterioration (1904), which reinforced the messages being signalled by eugenic and other studies concerning the physical plight of many working class children whose health and development was blighted by poverty before they entered adult life. Again, this story, and its consequences for the spate of legislation to safeguard the physical development of babies and children, has received extensive historical attention.⁸⁶ How the lone mother fitted into the picture has, however, received far less.

The position of the lone mother, as a subject of statutory intervention, remained unclear. On the one hand, those disturbed by the declining birth rate and high infant mortality, who promoted legislation to secure the professional training of midwives (1902) and fostered schemes to provide unadulterated milk to poor babies, sought to extend help to lone mothers, whose babies were more at risk of

⁸⁶ See Harris, 1995; Dwork, 1987.

an early death than the rest of the population. This reinforced the move towards separate provision of institutions for deserving cases:

The mother herself would derive great benefit from good food and lodging for a few months after her confinement and the child nursed by its mother during that time would have a better chance of a healthier life ...⁸⁷

The drive to safeguard infant life, apparent both in charitable endeavour and official policy, was taking place at the same time as the move to outlaw 'sweating': the exploitation of home-based, largely female workers labouring in the box-making, clothing and auxiliary industries. The alternative solution to the poverty of the lone mother family, that is, encouraging the mother to work to support herself and her child, was thus doubly viewed as undesirable. Not only did waged work for the mother upset established notions about the primacy of her domestic duties, it was also unlikely that she would be able to secure employment which would remove her and her infant from poverty. Hence the Affiliation Orders Act, 1914, which set up the machinery for collecting payments from putative fathers, might also be interpreted as the means to secure the paternal obligation to maintain without punishing the destitute and deserted mother (the earlier pattern under the Poor Law) which had placed her infant at risk. In this, we see that, far from reform securing collective provision, it actually reinforced earlier principles of family responsibility by seeking their enforcement.

Not all promoters of national efficiency concurred with this approach. For the eugenicists, the twin problem of a low birth rate and high infant mortality were not to be attacked by offering more help to lone mothers. On the contrary, they argued that such an approach was 'dyseugenic'; policy ought to aim at improving the national 'stock' by encouraging reproduction among the fit and healthy, not the pauperised classes. Within a rubric of proposals involving the identification

⁸⁷ Miss Zanetti, Inspector under the Infant Life Protection Act to the Chorlton Board of Guardians quoted in Majority Report of RCPL, 1909, Vol. 1-2, p.153.

of the 'unfit' and the issuing of marriage licences to those couples identified as fit to breed, there was clearly no place for lone mothers and their children in a eugenicist society.

Although eugenicism was to be thoroughly discredited by the end of the 1930s following evidence of its impact in Nazi Germany, its influence was something of a force in the first two decades of the century. For example, the 1912 Mental Defectives Act, which reinforced institutional treatment for those we would now identify as having 'learning difficulties', signified the impact of this creed on policy making at the time. Thus, the government had to tread carefully in taking any measures that might artificially enable lone mothers and their children to improve their chances of survival especially if they were financed by the rates.

Therefore, making the father pay also gave the government the opportunity to show that it had no desire to associate itself with any proliferation of the birth rate among the 'residuum'. It also satisfied many feminists who had campaigned for state involvement in the provision of maternity services, school medical and meal services, but who still saw marriage as the norm for women.⁸⁸ In general, the peculiar combination of increased official reinforcement of family structures and state provision to safeguard children's health, that characterised the Liberal welfare agenda was not unique to them. Wholesale state maintenance for children only commanded support from the small Social Democratic Federation and from some members of the Independent Labour Party. The Leader of the nascent Labour Party, the most likely beneficiary of any failure to reform on the Liberal government's part, Ramsey Macdonald, was more interested in measures of labour market reform which would reinforce existing parental obligations than in providing state help for children (although he was born illegitimate himself).⁸⁹ Then as now, there were votes to be gained for standing by the status quo. Parents who had struggled hard to raise a family in inauspicious circumstances were unlikely to support political measures which effectively rewarded, or at least excused, the behaviour of parents whose 'respectability' (and therefore

⁸⁸ See, for example, Pember Reeves, 1984; Llewellyn Davies, 1978.

'deserving' - ness) was in any doubt. Those who had done their duty, in short, were keen to see that others did likewise.

vii) Conclusion

The attempt to make absent fathers pay in 1914, was therefore a typical Liberal reform. Although there may have been a number of people during this period who were genuinely concerned about the health and well-being of children belonging to lone mother families, their concerns were of less significance than the government's desire to contain local expenditure. The same argument can be applied to concerns about falling moral standards at the time. Although many of the witnesses appearing before the Royal Commission on Divorce seemed concerned about the prevalence of cohabitation among certain groups in the population on moral grounds and, therefore, wanted the divorce laws reformed to make divorce an option for the less well-off, the main objective of the Commissioners proposals was to ensure that

the divorced wife could marry again and so get another bread-winner to support the former husband's family.⁹⁰

While this argument could just as well be applied to present day legislation, the 1914 Acts were not nearly as radical as the Child Support Act in 1991. The earlier legislation did not go as far as some had hoped. Herbert, for example, had also wanted legislation to allow guardians to recover the cost of a woman's confinement in bastardy cases and also for them to be able to obtain an order against a man where the mother was dead or refused to give evidence. Numerous other suggestions were also made at the time which the government failed to implement. For example, the Women's Industrial Council wanted wives to be able to take out a summons free of charge and to make the courts

⁸⁹ Stewart, 1993.

⁹⁰ RCD, 1912, Vol. 1, p.399.

responsible for tracing husbands.⁹¹ It is interesting to note that suggestions for reform which involved further public expense were not included in the legislation when it was introduced. While this reinforces the argument that the attempt to make fathers pay was essentially a cost-cutting measure, it also demonstrates the Liberal government's awareness that if measures were too strict, more men may have ended up in prison for failure to pay which would effectively write off all their arrears and reduce the chance of future payments. As the government was not prepared to repeal the Wages Attachment (Abolition) Act of 1870, this outcome was fairly predictable. Moreover, concern had already been expressed before 1914 about the numbers of men who were being sent to prison for failure to pay maintenance and affiliation orders. This was why the Home Office had issued a Circular in December 1906 recommending 'the justices to exercise an informal discretion by imposing nominal sentences in certain of these cases both in the enforcement of affiliation orders and orders under the Summary Jurisdiction Married Women's Act, 1895'.⁹² It would therefore seem that although there was a will to make fathers pay, and thus save ratepayers money, legislators during this period had enough foresight to predict that this policy could fail.

The government must also have been aware of the need to avoid increasing the cost to the police authorities if stricter measures of enforcement were passed. The police frequently complained that even without new measures, which may have further burdened their load, the costs to them of the existing system of enforcing maintenance orders was often enormous in proportion to the amount recovered. The following illustrates a typical complaint of this type:

I had a case yesterday morning from Bristol. There was a warrant for a man for 3*l.* 8*s.* 11*d.*, ... In order to get that 3*l.* 8*s.* 11*d.* it will be necessary to send a policeman from Hull with his return fare costing 37*s.* 6*d.*, and he will have to take the man down, that costs another 18*s.* 6*d.* A cost of 56*s.* excluding all such things as subsistence allowances for the policeman and other expenses. It will cost that to

⁹¹ Ibid., p.173. See, also, SCBO, 1909, p.138-p.147; RCD, 1912, Report, p.68-82.

⁹² SCBO, 1909, Minutes of Evidence, p.22.

get the man down to Bristol, and then when he gets there he probably will not pay, and he will go to prison to wipe out the debt.⁹³

The 1914 legislation can therefore be described as a pragmatic solution to the problem. There was no point in introducing any kind of measure that may, in the long-term, have increased public expenditure. Governments took a less rational approach in the interwar years; which perhaps suggests that, in periods of recession, then as now, governments are prepared to take greater risks if they believe there is an outside chance of cutting local or national expenditure.

The Liberal government was also anxious not to implement any measures that would make the process of obtaining and enforcing orders so easy as to encourage the formation of lone mother families. This made it difficult for the government to undermine the deterrent nature of the Poor Law because it would be

an encouragement to vice ... there would be far less fear on the part of women of getting into trouble knowing that the state would provide for them and relieve them possibly of the responsibility of their child.⁹⁴

But having said that, it would be wrong to give the impression that discussions and debates at the time about a father's responsibility were always expressed in the language of harsh economics. As this discussion has show, humanitarian concern about the well being of some lone mother families was the motivating force behind some of the campaigns to pressure the government to reform legislation. Similarly, reinforcing the fathers financial responsibility was not simply a measure to ensure that the financial burden did not fall on the community. As today, the family was venerated for sentimental and not just economic reasons. As Bosanquet wrote:

⁹³ Major P. Malcolm, Chief Constable of Kingston-upon-Hull, quoted in RCD, 1912, Vol. 1, p.397.

⁹⁴ LGB, 1909, p.59.

[The family] is greater than love itself, for it includes, ennobles, makes permanent all that is best in love. The pain of life is hallowed by it, the drudgery sweetened, its pleasures consecrated. It is the great trysting-place of the generations, where past and future flash into the reality of the present.⁹⁵

Indeed, it is not surprising to find that the so few people in the early twentieth century would have wanted to see the father's duty attenuated when:

We find the family weak ... and perverted whenever there is an extensive reliance upon external sources of maintenance. It is as if the man in abdicating from his economic independence inflicts an injury upon his moral nature which poisons all his natural relations.⁹⁶

However, as it became more apparent that not all families could produce children healthy enough to ensure that Britain maintained its place in the empire, some state assistance was clearly required. However, the resulting legislation, when coupled with efforts to make fathers pay, ultimately reflected the delicate balancing act the Liberals had to perform so as not to antagonise various competing interest groups. By attempting to ensure that the burden of lone mother families remained, wherever possible, the responsibility of individual fathers, they could appease ratepayers, women's groups and eugenicists while at the same time attempting through other policies to improve the fitness of the nation. By not conceding to all the demands for change by women's organisations they were also able to retain the principle of 'less eligibility' for lone mothers. In this way the government could not be accused of threatening the family as the basic economic unit of society. This cautious approach to the problem also saved the government from having to contend with any backlash from absent fathers. Overall this demonstrates that there were significant differences in the way the government then, compared to now, approached the problem. However, then and now, governments shared the belief that it was simply a matter of making improvements to the administrative schemes

⁹⁵ Bosanquet, 1915, p.342.

responsible for making fathers pay. As we shall see, this fundamental mistake meant that all policies to coerce men to fulfil their duty were largely failures - whether or not they had been implemented forcefully by radical, right wing governments or as *ad hoc* responses to pressure by less dogmatic administrations.

⁹⁶ Ibid., p.339.

CHAPTER 3: THE IMPACT OF WORLD WAR I

i) Introduction.

Many historians have charted how the war was responsible for intensifying worries about the welfare of women and children.¹ This was primarily because the huge loss of life exacerbated the pre-war fear surrounding the declining birth rate, and high infant and maternal mortality rates. Indeed, the health of infants became 'a subject which aroused great emotion during the war, as indicated in the well-publicised argument that high infant mortality made it more dangerous to be a baby than a soldier'.² Other social issues also came to the forefront of people's attention because of the war. In relation to lone mother families, criticisms of 'hasty' war-time marriages led to a revival of the earlier demands for divorce reform. Similarly, fears about 'war babies' led to calls for the legalisation of adoption.³ It has also been argued that the plight of the illegitimate child began to 'appeal to the public conscience',⁴ although more cynical writers have stated that this was perhaps because 'it became clear that the methods of modern warfare required cannon fodder in even greater quantity'⁵. Finally, concerns about sexual morality intensified. This was to develop into a moral panic during the war because of so-called 'war nymphomania',⁶ or 'Khaki fever'.⁷ Although the attention this drew to lone mothers was negative, the exceptional difficulties many faced because of their inability to take on paid work during the war, was to arouse sympathy in some sections of they community.

These factors meant that lone motherhood became a subject for greater discussion during the war than it had been previously. Moreover, many more

¹ See, for example, Lewis, 1994; Crowther, 1988; Winter, 1985; Bland, 1982; Graveson and Crane, 1957.

² Crowther, 1988, p.27.

³ Graveson and Crane, 1957, p.41.

⁴ Reeves, 1993, p.413.

⁵ Davin, 1978, p.43.

⁶ Bland, 1982.

⁷ Woollacott, 1994a.

people became aware of the struggle this entailed for the simple reason that the majority of married women also had to cope on their own while their husbands were away fighting. This made lone mothers less visible, allowing the issue of paternal responsibility to be discussed under less fraught conditions than had previously been the case in the past. Finally, as the efforts of all women were needed on the Home Front, the Coalition Government had less inclination to operate social policies which attached heavy penalties on those mothers who had traditionally been deemed 'unrespectable'. This was reflected in the provision of separation allowances. Also as an enticement to encourage men to enlist, the payment of these allowances marked a break with tradition because the War Office permitted them be given to the cohabitants of men joining the forces. Although it really had little choice in the matter, following the discovery that many potential recruits were not married but cohabiting with partners, it was certainly a very radical step. Although measures were taken to try and ensure that these allowances were not abused by lone mothers, by only allowing them to be paid on the strict condition that 'there was evidence that a real home had been maintained',⁸ it must have been very difficult to prevent this from happening in the circumstances.

Because the Affiliation Orders Act and the Criminal Justice Administration Act of 1914 failed to address many of the problems that had been identified before the war, those who had previously been campaigning on the behalf of lone mother families continued with their campaign throughout this period. However, during the war, as a result of the greater awareness of the hardships of lone motherhood and the even greater concern about the health and fitness of children, new organisations, such as the NCFUM&HC (the National Council for the Unmarried Mother and Her Child), were formed specifically to fight for the interests of unmarried mothers. Other organisations, who had previously shown little concern for the plight of lone mothers and their children, also joined the cause. And it was not just marginal groups in the community who became part of this movement. Even the Women's Co-operative Guild took up the cause and

⁸ Marwick, 1991, p.83; Thane, 1982, p.128.

after sending a deputation to the Home Office on behalf of unmarried mothers, one civil servant was prompted to note that

the members of the guild are essentially the respectable married women of the superior working classes - i.e., those who are popularly supposed to be more prejudiced against girls [who] ... have made a mistake.⁹

Finally, many feminist organisations also became involved, such as, the National Union for Equal Citizenship which was later to draft its own Bastardy Bill. Feminist involvement, although greater than in the prewar years, was not a new phenomenon, it was simply that, during the war and immediately after it, the women's movement reached its zenith, because of women's contribution to the war effort. Feminist demands also entered mainstream debates because, as a result of the suffragette movement, they presented a more visible political profile during this period.¹⁰

Various suggestions for change were proposed. Although the majority were mainly concerned with making it harder for men to avoid paying orders, and making them pay more in a period of inflation, during the war even collectivist proposals for the provision of such families were advocated. In common with many other plans for the reconstruction of British society after the war, the war made such ideas possible because in the face of the

hideous ugliness of war, good people of humanitarian aspirations yearned for compensation, weaving fond dreams of social regeneration. In the Press were fairy-tale stories of the great schemes afoot for manifesting national unity. ... All the children of the nation were to stand as one Socialism was to advance, war-time was to be a period of national rebuilding. Lloyd George declared the country would be a nation worthy [of] the prowess of heroes.¹¹

⁹ H.O. notes on deputation received on 12 November, 1918, PRO HO45/11190.

¹⁰ Dyhouse, 1989, p.193.

¹¹ Pankhurst, 1987, p.19-p.20.

In complete contrast, however, most politicians and civil servants had no inclination to alter the status quo in relation to the lone mother families. Although they were obviously pre-occupied with military matters, and in any case, private members were unable to present bills to parliament from 1914-1920, they remained dismissive of the need for change until the Slump in 1921. As a result only three rather meagre changes to the existing bastardy and maintenance laws were introduced before this date. This chapter will look at why the need for reform remained by looking at the wartime experiences of lone mothers. It will then investigate the various suggestions that were made which aimed to solve the problem of supporting lone mother families. Finally, it will explore the reasons behind the government's failure to instigate the vast majority of them.

As we shall see, there were numerous reasons why the government chose not to act at this point. It should be noted though, that although their disinclination to concede to the demands of the various groups mentioned above were unreasonable in the light of clear evidence of the need for reform, it seems that they were right in dismissing the alarm about illegitimacy as 'hysterical'. When a member of parliament asked the Prime Minister in 1915 what he was going to do about illegitimate babies, he replied 'nothing' and blamed the press for overreacting to the issue.¹² Whether or not illegitimacy did increase during the war is contentious. As the following table shows, it very much depends on which set of statistics are used:

¹² HC, Parliamentary Debates, 1914-1915, col. 963.

Table 3.1: Illegitimate births in England and Wales, 1901-1918

Period	In proportion to total Births (Rate per 1,000)	In proportion to total Population (Rate per 1,000)	In proportion to the Unmarried and Widowed Female Population aged 15- 45 years. (Rate per 1,000)
1901-1905	39.5	1.1	8.4
1906-1910	40.2	1.1	8.1
1911-1915	43.1	1.0	7.8
1915	44.5	1.0	7.4
1916	48.0	1.0	7.6
1917	55.6	1.0	7.4
1918	62.6	1.1	8.2

Source: Registrar General, 1918, p.xxvii.

As the legitimate birth rate had been declining in this period, the figures in Column 1 exaggerate the increase in the numbers of illegitimate births in absolute terms. For example, although the number of illegitimate babies born in 1918 was 4,295 more than in 1917, during these two years the total number of births decreased by 5,685.¹³ This is not, therefore, the best indicator of what was going on at the time. Column 3, on the other hand, shows that even in 1918, despite the increase since 1917, the illegitimate rate was lower than it had been between 1901-1905. If this indicator is used then the Prime Minister was quite right to imply that the press had over reacted. Although there are no statistics showing the number of separated or deserted lone mothers, according to one estimate there were over 1 million separated persons in 1917.¹⁴ However, as the following section will show, the need for reform was not at this stage based on the numbers of unmarried mothers.

¹³ Registrar General, 1918, p.xxvi.

¹⁴ Mellwraith, 1917, p.335.

ii) **The Experience of Lone Motherhood in World War 1.**

In recent years historians, such as Winter,¹⁵ have concluded that wartime conditions were beneficial to those who remained on the Home Front. His argument is based on evidence of an improved life expectancy during the war, especially amongst the worst off section of British society, and a reduction in social inequality. He claims that these gains were achieved as a result of the increased earning capacity of working class families which enabled them to improve their nutritional levels. This was also aided by the more equitable distribution of food during the war, despite the shortages. Moreover, the earnings of most working class families kept pace with, or out-stripped, price rises. Winter also points out that war was good for women and children as infant and maternal mortality rates sharply declined.¹⁶

Clearly, these improvements were achieved by the entry of large numbers of women into the workforce. Over 1,500,000 women entered industry and commerce during the war, 1,200,00 of whom had not worked outside their homes before it began.¹⁷ For working class women munitions work was the best paid and, as the legal restrictions on women's labour were removed, they had every opportunity of increasing their earnings by taking on overtime, Sunday work and night work.¹⁸ The prohibition on child employment was also eroded during the war. Thus, a family's income could also be increased where there were children able to take advantage of wartime employment opportunities.

Because of these undoubted benefits it could be argued that perhaps the rise in the standard of living for those on the Home Front in general, lessened the need for government intervention to improve the situation of lone mother families. However, this was not the case. As Table 3.2 shows, the wide differential between the legitimate and illegitimate mortality rate remained throughout this period. Although the slight decline in the illegitimate mortality rate indicated

¹⁵ 1985.

¹⁶ Ibid., p.278-p.280.

¹⁷ For a detailed discussion see, Ministry of Reconstruction, 1919; Braybon, 1989.

that some lone mother families did see an improvement in their lifestyles during the war, this was certainly not the case for all of them. Unless a lone mother managed to get a reasonably paid job, or was somehow able to get a separation allowance or a war widows pension, or else was on the receiving end of the generosity of family and friends who became more affluent during the war, she probably saw a deterioration in her standard of living. Even though many more lone mothers would have received regular payments of maintenance for their legitimate or illegitimate children, as a result of more fathers joining the forces, this did not necessarily mean that they received more money. Some would have seen a reduction in the value of their orders for under the Army and Navy Acts only 7d. a day could be deducted from the pay of a class 2 sergeant and 4d. a day from the pay of other soldiers.¹⁹ Therefore, if Winter (1985), had categorised women according to these factors, he may have found that it was lone mothers in particular who failed to reap the benefits war conditions created.

Table 3.2: Legitimate and illegitimate infant mortality rates per 1,000 births, in England and Wales, 1914-1918

All Aged Under One Year		1914	1915	1916	1917	1918
All causes	Legit	99.9	105.11	86.32	90.09	91.02
	Illigit	206.38	203.00	182.68	200.79	185.06

Source: Adapted from Registrar General, Annual Reports, 1914-1918.

But having said that, the difficulties that women in general suffered during the first two years of the war should not be forgotten. Pankhurst described seeing women and children starving in the East End of London at the beginning of war for want of employment and relief.²⁰ The hardship this caused was further

¹⁸ Ministry of Reconstruction, 1919, p.51; National Birth-rate Commission, 1920, p.135.

¹⁹ See file dated, 29 October 1917, PRO HO 45/11181.

²⁰ Pankhurst, 1987 ed., p.20-p.24.

exacerbated by the accelerating cost of food. Following the introduction of separation allowances in 1914, for the dependants of soldiers, there were often long delays of up to several months before the payments were made.²¹

There is reason to doubt that the majority of lone mothers were less in need of legislation to improve their situation because of the greater employment opportunities that were available to women during the war. Not only did women's wages remain lower than men's during the war,²² but it is wrong to assume that all women were able to work. Some were unable to because of their family responsibilities, and evidence suggests that many lone mothers simply could not work because the demand for women's labour reduced the numbers of women free to mind their children. By 1917 this difficulty had been brought to the notice of the Child Welfare Council and the Social Welfare Association for London, who reported that appeals from unmarried mothers for their assistance had increased dramatically. Other societies were also confronted with the same problem which they were unable to cope with. This meant

at the best, malnutrition for both mother and child, and at the worst moral disaster to the mother and neglect and death to the child.²³

Even if some of these lone mothers managed to receive affiliation or maintenance payments, the sharp wartime price increases meant that the value of orders steadily depreciated during the war.

If account is also taken of the type of work women undertook during the war, then further doubt is cast on any notion that the majority of lone mothers gained much during this period. Obviously, most women with children could not take up work in the munitions factories which was the most highly remunerated type of work for unskilled females. The distance these industries were located from residential areas meant living in hostel-type accommodation which was only provided for single women and girls. The long hours of overtime and shift work

²¹ Ibid., 1987, p.24.

²² Thane, 1982, p. 128.

²³ NCFUM&HC, 1918, p.2-p.3.

also meant that this was an unsuitable occupation for the majority of mothers to undertake. The only category of lone mothers who were able to work in munition factories were those who became pregnant after they had started working in them. However, this did not apply in the early days of the war, for if a woman working in munitions became pregnant she was dismissed as soon as her condition was discovered - 'for a woman entirely dependent on her own exertions it was disastrous'.²⁴ This led many single women either to conceal their pregnancy, or resort to abortion which was both illegal and dangerous.²⁵ The government was eventually forced to recognise this problem, and in the autumn of 1916 the Ministry of Munitions provided grants in aid of creches and, in April 1918, the Treasury set aside a sum of money to provide accommodation for munitions workers at the time of confinement and for pre-natal and post-natal periods. As a large number of the women who became pregnant were unmarried, the policy was also extended to them. It is interesting to note that they were treated in exactly the same way as the married women.²⁶ This was certainly a break with tradition that only the abnormal circumstances of war could have brought about. Some welfare supervisors also introduced new systems to make it possible for pregnant women to take on gradually lighter work, whether they were married or otherwise.²⁷ As an exception to the rule, therefore, unmarried mothers working in munitions during the second half of the war were given the opportunity to provide for themselves and their babies without having to resort to the Poor Law .

There is little evidence that other lone mothers were as fortunate, or that they even managed to sustain their pre-war standard of living. Willis'²⁸ investigation into the 'sweated' trades at the beginning of the war, revealed that this type of employment was often undertaken by deserted wives.²⁹ Even though their lives were 'a tale of poverty, toil and weariness', many were able to escape the clutches

²⁴ National Birth-rate Commission, 1920, p.135.

²⁵ Ibid., p.136.

²⁶ Ibid., 1920, 136-140.

²⁷ Woollacott, 1994b, p.34-35.

²⁸ 1914.

²⁹ Ibid., p.87.

of the Poor Law. However, this became less likely as the war progressed. Pankhurst described how homeworking became more difficult physically as employers transferred to making army clothing.³⁰ The heavy and rough material used also meant that it took workers longer to produce garments. Moreover, their wages were often reduced as the sub-contractors creamed off larger and larger profits. The Chairman of the Liverpool Anti-Sweating League found that women employed to make kit-bags and military uniform were paid 25 per cent less than the low minimum of 3½d. per hour prescribed by the Clothing Trade Board.³¹

The numbers of women in receipt of Poor Law relief during the war also suggests that many lone mother families failed to benefit from wartime conditions. Although the total number of persons in receipt of relief in England and Wales - excluding those in lunatic asylums, casuals, and persons in receipt of medical relief only - declined from 633,600 on 1st January 1915, to 456,600 on 28 December 1918, it was men who were far less likely to be in need of relief during this period than women.³² As the following table shows, while the number of adult men under 70 years of age in receipt of relief was reduced by nearly 50 per cent, the number of women was reduced by less than 25 per cent, a figure similar to that for the aged and children.

Table 3.3: Percentage decrease by age and sex of recipients of Poor Law Relief in England and Wales between 1 January 1915 and 28 December 1918

	Decrease %
Men aged 16-70 years	47
Women aged 16-70	24
Persons over 70 years of age	22
Children aged under 16 years	22

Source: Ministry of Health, Annual Return, 1919, p.9.

³⁰ Pankhurst, 1987, p.91-p.94.

³¹ Ibid., p.91.

It should be noted that the percentage decrease was calculated from the beginning of January 1915, so as not to be skewed by the sharp rise of about 30,000 people seeking relief at the beginning of the war when industry was in a state of disarray. Indeed, as the numbers on 1 January, 1915, were only 500 in excess of the corresponding number on the preceding January,³³ it can be assumed that only about one in four of all women of working age previously in receipt of relief were saved from the Poor Law during the war. Moreover, given that part of the decrease in the numbers of women claiming relief would have been the dependants of able-bodied men in receipt of indoor relief, it cannot be assumed that a quarter more lone mothers were able to survive without relief during the war. Nor is there any reason to suspect that the rise in the illegitimate birth rate (if there was one) increased the numbers of unmarried mothers reliant on the Poor Law and, thus, acted to keep the percentage of women in receipt of relief much higher than that of men. Since 1914, the number of unmarried mothers, at least 'first cases', being taken in by voluntary organisations increased as a result of the reluctance to send them to the workhouse.³⁴ Furthermore, there was probably more chance of an unmarried mother being able find employment in domestic service during the war. Between 1914 and 1918, the number of domestic servants declined from 1,658,000 to 1,258,000 in 1918.³⁵ Presumably, this shortfall would have made employers more amenable to taking on an unmarried mother and her child. It has also been suggested that many wartime illegitimate births were the outcome of adulterous relationships by the wives of men absent at the front.³⁶ Because in some cases husbands would have continued to support such women, or else the mothers would have set up new households with the fathers of their illegitimate children, this also indicates that the increase in the rate of illegitimacy (if there was one) does not explain why so few women were able to survive without relief. The C.O.S. also found that

³² Ministry of Health, 1919, p.9.

³³ *Ibid.*, p.8.

³⁴ National Birth-rate Commission, 1920, p.94.

³⁵ Marwick, 1991, 132.

³⁶ Harrison, 1978, p.394.

although there was an overall drop in applications during the war, it was less than expected.³⁷ This evidence lends credence to the argument that only a minority lone mothers witnessed an improvement to their standard of living as a result of the war.

When lone mothers did take on employment outside the home, they often ended up in the worst paid jobs. One of the arguments for giving widows pensions was to stop them under-cutting the wages of the other women because it was well known that 'such women and the needs of their dependants, make them ready to accept wages below the Trade Union rates'.³⁸ As the term 'widow' was all-encompassing, it can be safely assumed that deserted, separated and unmarried mothers would have been prepared to accept extremely low paid work.

For all the reasons given above, many lone mothers must have seen their living standards deteriorate during the war - although, of course, some may have benefited from extra help from family and friends due to their improved financial circumstances. In addition, because government attempts to make fathers pay were put on hold during this period, they received no compensation for the greater hardships that the war imposed on them. The numbers of men going to prison for non-payment of maintenance and affiliation orders fell drastically during the war, from 3,608 in 1914 to 931 in 1918.³⁹ This may have been because many more men were having bastardy and maintenance payments deducted from their pay as soldiers in the war, even though, as we have seen, this often meant that lone mothers were receiving smaller amounts. However, some of the decrease may have come about as a result of magistrates continuing to heed the Home Office's 1906 Circular requesting them to only impose nominal sentences in bastardy and maintenance cases. The reduction in the numbers of absent fathers being sent to prison could also have occurred because of the failure of the legal system to run efficiently during the war. Many of those employed by it joined the forces, leaving it somewhat depleted. For the same

³⁷ Roof, 1972, p.118.

³⁸ Ministry of Reconstruction, 1919, p.55.

reason, boards of guardians were less likely to have been chasing errant fathers for the cost of maintaining their deserted families, or illegitimate children. During the war 'large drafts were made, for the fighting forces, upon the Poor Law establishment, from Relieving Officers and Workhouse Nurses to doctors and the secretariat'.⁴⁰ Even though there were fewer paupers which meant that fewer administrators were needed, the fact that attention was drawn to the shortfalls of staff in both of these services does suggest that they were probably not running as efficiently as they should have been.

As for those abandoned in workhouses, the conditions they experienced within them were even worse than before the outbreak of war. The quality and quantity of the food they received was severely curtailed, which was to effect the health of inmates. Attempts to more rigorously classify lone mothers were also abandoned with the result that in many workhouses the only divisions made were according to the sex of the inmates.⁴¹ Moreover, 'Boards of Guardians - in many cases Workhouse Masters - were left to administer as seemed right in their own eyes'.⁴²

The First World War did not therefore, even temporarily, remove the necessity to make fathers pay. However, as the following section shows, various groups recognised the plight of lone mothers and took action on their behalf.

iii) Proposals for Change

The campaigners for reform hoped that once the War was over, lone mothers would be more adequately provided for financially. While some wanted to see this come about through stricter measures to make absent fathers pay, others were more concerned to achieve it by freeing such women from dependency on individual absent fathers, who all too often managed to evade paying

³⁹ PRO HO45/17094 (Annual Volumes of Criminal Statistics and the Prison Commissioners Annual Reports).

⁴⁰ Webb, 1929, p.810.

⁴¹ Ibid., p.810-811.

⁴² Ibid., 1919, p.810.

maintenance or affiliation orders. Representatives of the latter approach wanted to achieve this either through the provision of mothers' pensions or the 'endowment of motherhood'. Although these schemes were devised specifically for the benefit of mothers in general, some of them, almost by default, included provision for pensions or allowances to be paid to deserted and separated women. Others even went as far as to include unmarried mothers.

The scheme for the endowment of motherhood emerged from the belief that as motherhood was of vital importance to the nation, it should be financed by the state. The demand for pensions' for mothers, on the other hand, was underpinned by the notion that women should be provided for collectively, not because they were mothers, but because on their husband's death they became the trustee of the family.⁴³ Obviously, this distinction was of the greatest significance for the majority of women. However, for deserted, separated and unmarried mothers, it was the proposals for mothers' pensions that gave them the greatest hope of being provided for outside the stigmatising Poor Law.

The authors of the Finer Report,⁴⁴ and more recently, Pedersen,⁴⁵ have provided an in-depth analysis of these proposals. Broadly speaking, those proposed by Eleanor Rathbone and the Fabian Society, for example, who campaigned for the 'endowment of motherhood', did so on the grounds of national efficiency in the face of the declining birth rate and the huge loss of life among those fighting. However, because their aspirations were underpinned by eugenic principles, that is, that the birth-rate should only be increased by encouraging the upper and middle classes to have more children, they favoured far stricter maintenance laws for lone mothers.⁴⁶ Rathbone certainly did not want unmarried mothers to be given allowances because she had tailored her scheme specifically to fit a

⁴³ Davies, 1923, p.6.

⁴⁴ Finer, 1974, Vol. 2, p.128-p.136.

⁴⁵ 1993.

⁴⁶ Ibid, p.143.

'healthy society' and she saw the unmarried mother and her child as representing a 'social sickness'.⁴⁷

This contrasts with proposals put forward by the Women's Employment Committee in 1918 for the Ministry of Reconstruction. They wanted pensions not only for widows, but also for deserted wives. The object of their scheme was to encourage these women to leave the labour force at the end of the war because of the negative influence they had on women's wage rates in general. Another proposal, put forward by Mrs Vaughan Nash of the Women's Advisory Committee for the Ministry of Reconstruction, went much further. She proposed pensions for all mothers 'in need', defined as 'widows; deserted, divorced and separated wives, wives of men in prisons, asylums etc; and unmarried mothers'.⁴⁸ Later she changed her mind and in a separate memorandum argued instead that improvements should be made for recovering money from defaulting husbands and the fathers of illegitimate children.⁴⁹ However, it was her initial scheme, which included all lone mothers, that was submitted by the Ministry of Reconstruction to the Government Actuary for consideration in early 1919.

The Labour Party also had a similar scheme, this time to remove more women from the Poor Law. As this Party was becoming larger - it was to establish itself as the second political party following the 1922 general election - there was reason to suspect that their proposal might eventually be adopted. Labour supported the idea of mothers' pensions and wanted to see them centrally funded and administered by a body outside the Poor Law so that the recipients would not be stigmatised. In their report which outlined their scheme,⁵⁰ they expressed their intention to include all women with dependent children who had once maintained a home with the father, but who were no longer living with them. This was surprising in view of the fact that they referred to all such women as 'widows'. Davies stated that allowances would go to:

⁴⁷ Statement of Mrs Stocks, Member of the the Family Endowment Committee. National Birth-rate Commission, 1920, p.241.

⁴⁸ Finer, 1974, Vol. 2, p.130.

⁴⁹ Ibid., p.131.

⁵⁰ See Davies, 1923.

a widow with one or more children dependant upon her; to a woman (with the same dependents) deserted by her husband; to a woman, in the same circumstances whose husband is incapacitated or an invalid; and finally to a woman who is left to care for the children of herself and a man with whom she habitually lived. Every type of woman, except the immoral, should be given the chance of caring for her home...⁵¹

One amendment was made to this general rule, however.

The woman who was an 'unmarried wife', deserted by the man after the birth of the child, would be provided for as a deserted wife. Should she, however, subsequently have a second child while still unmarried, she could be justifiably considered as an immoral woman, and removed from the scope of the scheme.⁵²

It is interesting to note that in this outline of the party's proposals, Davies made no mention of any desire by a future Labour government to make those fathers or husbands who were not deceased pay maintenance. It, therefore, seemed that if Labour was elected, lone mothers would be freed from the difficulty of obtaining and enforcing maintenance orders. The only thing they would have to endure would be greater official interference into their lives because 'discreet supervision would, no doubt enable many of the present shiftless types to pull themselves up to a high class'.⁵³ The Labour party also proposed that if a 'widow', that is, all those 'moral' women mentioned above, remarried then the pension for her children would be continued, and only her own portion stopped. Davies believed that 'it would be manifestly unfair to expect the second husband to maintain the first husband's children'.⁵⁴ The radical nature of this statement is an important one to emphasise for it indicates, for the first time, the recognition that if the biological father was no longer able to provide for his children, then it should be the duty of the state to do so before that of the social father.

⁵¹ Ibid., p.18.

⁵² Ibid., p.22.

⁵³ Ibid., p.18.

⁵⁴ Ibid., p.19.

These various schemes are indicative of the tremendous impact that World War 1 had on forcing some sections of British society to consider alternative methods for dealing with social problems. But having said that, other proposals for the treatment of lone mothers, which were put forward at the same time, reveal that the pre-war belief in the financial obligation of the father was not entirely eradicated. Even though it was to take an economic depression to prompt the government into reinforcing the father's duty, there were plenty of voices during the war calling for stricter bastardy and maintenance laws.

The main proponents of this individualistic approach were the representatives of the National Council for the Unmarried Mother and Her Child. Above all, they wanted to see a scheme that would firstly, enable the mother and child to stay together and secondly, would recognise the responsibility of the father.⁵⁵ The Council's chairman, Mrs H. A. L. Fisher outlined the organisation's main proposals to the National Birth-rate Commission which reported in 1920. As the following list shows, the solution to the problem of lone mother families was sought along the traditional lines which had been recommended earlier by, for example, the Select Committee on Bastardy Orders in 1909:

1. Facilities should be made available to enable unmarried mothers to make known their condition in the proper quarters and to take paternity proceedings; and also by relieving them from all costs of any such proceedings.
2. That provision be made for enabling a magistrate on application by an expectant mother, to summon the parties before the birth of the child, and to hear the case in camera, and where paternity is admitted to make a final order.
3. Once an affiliation order has been granted the amount awarded should run from the date of the child's birth and at the discretion of the magistrate, from a period prior to the birth not exceeding 2 months. It shall be the duty of the state itself to institute proceedings for the enforcement of such payments, as if they were a state debt, and without charge to the mother. Failing enforcement of payment by fathers, adequate provision shall be made by the State before and after the birth for the children of such necessitous mothers.

⁵⁵ NCFUM&HC, 1918, p.3.

4. That the limit of 10s a week under an affiliation order be abolished, and the amount granted be in proportion to the circumstances of both parents.
5. That the subsequent marriage of the mother and the father of the child shall legitimise the child.⁵⁶

Many of these proposals, and others, were finally incorporated into two Bills which were put to Parliament by Neville Chamberlain and the private member, Captain Bowyer. Had all the main the clauses been passed, an Act very similar to the 1991, Child Support Act would have come into being. As well as wanting to make putative fathers take greater financial responsibility by raising the limits on orders to 40/- week, Chamberlain wanted to make it the duty of a public authority to ensure that the father contributed to the child's support. In addition, he intended to create two new offences against the mother - one which would penalise her for refusing to give any information which the Registrar may demand, and one which would make it an offence to give false information concerning the birth or paternity of the child. Working on similar lines, Bowyer (who was responsible for drafting both of these Bills) wanted unmarried mothers to be compelled to disclose the names of the putative fathers so that the Registrar could serve papers on the father. The Registrar would then be responsible for forwarding these papers to the collecting officer who would be responsible for taking all the necessary action to recover the money payable by the putative father.

Finally, the suggestions of other bodies who had become involved in the debate were as follows: the National Union of Women Workers wanted the Local Government Board to produce a leaflet for unmarried mothers explaining the law and their rights to maintenance;⁵⁷ the National Council of Women of Great Britain and Ireland no longer wanted imprisonment to exonerate the father from

⁵⁶ Cited in National Birth-rate Commission, 1920, p.lxix-p.lxx.

⁵⁷ PRO HO45/11190, file dated 12 November 1918.

his liability to pay arrears;⁵⁸ the National Council for Equal Citizenship wanted limits removed and argued that the amounts of orders should be decided on by magistrates according to a father's means.⁵⁹

The number of suggestions proposed was clearly illustrative of the extent of the problems lone mothers faced, and, although their difficulties were obvious before the outbreak of war, the war had done little or nothing to alleviate them. However, as the following shows, the vast majority of the proposals failed to reach the statute books.

iv) Legislative Outcomes at the End of World War 1.

Despite the explosion of concern, the measures affecting lone mother families that were taken in the years immediately following the war were very meagre. The first piece of legislation to be passed was the Affiliation Orders (Increase of Maintenance Payments) Act of 1918. This raised the limit on orders from 5s. to 10s. a week. The National Council for the Unmarried Mother and Her Child was largely responsible for putting pressure on the government to introduce this Act and prided itself on seeing its successful passage through Parliament.⁶⁰ This pride was not misplaced because the Secretary of State for the Home Department was very resistant to the proposal. Right up to the last minute, he was arguing that: 'I do not see my way to initiate legislation on this subject at the present time'.⁶¹ However, this reform was not a large concession for it was first time that the limit had been raised since the Bastardy Laws Amendment Act of 1872. Also, the amount of the increase was insufficient to even cover the rise in prices that had occurred since the beginning of the war - between 1914 and 1918 the retail price index had risen by 110 percent.⁶² Only those putative fathers who were deemed to be able to afford to pay more would have seen their orders

⁵⁸ PRO HO45/11190, letter to the Home Office, 9 July 1923.

⁵⁹ HC, Parliamentary Debates, 1920, 136, col. 980.

⁶⁰ Macaskill, 1993, p.12.

⁶¹ Minutes on file dated 6 August 1918, PRO HO45/11181.

⁶² Thane, 1982, p.128.

increased and these would not necessarily have been up to the maximum limit of 10s. a week.

However, this measure was symbolic in demonstrating that, despite the war, the male breadwinner model remained undiluted. But having said that, soldiers were still to be given preferential treatment. Although the amount that could be deducted from their pay was increased under the Army and Air Force (Annual) Act 1921, the power of the Courts of Summary Jurisdiction to commit to prison discharged soldiers who were in arrears under affiliation orders made against them while they were still in the army were greatly restricted under Section 9(1)(b) of this Act.⁶³ This was probably because the government was still reluctant to put much pressure on those fathers whose services were then needed to fill overseas postings in the empire.

This is a telling measure because it shows how Britain's defence policies were given priority over others. This always seems to be the one area to which policy makers are least prepared to apply cost-cutting measures. In wartime, especially, Treasury orthodoxy is abandoned in order to finance the needs of the military. Because of this one would expect fathers, because they were probably soldiers, to be treated more leniently during a war. This certainly happened in the First World War and continued to apply to fathers who were soldiers in the years following it. This was not a new phenomenon. Since the mid nineteenth century, various Army and Navy Acts had been passed which demonstrated how policy makers were prepared to be less punitive to members of the armed forces than civilians. Even though they were subject to deductions from their wages for the payment of bastardy and maintenance orders, if they fell into arrears they were unlikely to be sent to prison.⁶⁴ Moreover, soldiers and airmen etc. were relieved from any liability to punishment for the following offences: deserting or neglecting to maintain a wife or family; leaving her or them chargeable to the Local Authority.⁶⁵ Even though the Army and Air Force (Annual) Act of 1921

⁶³ PRO HO45/18992, file of 21 November, 1921.

⁶⁴ See Lieck, 1928.

⁶⁵ PRO H.O. 45/18992, file of 21 November, 1921.

allowed for a summons to be served upon a soldier or an airman under orders for service overseas, the service of the summons was not deemed to be valid 'if the defendant's Commanding Office certifies that his appearance in Court will prevent him being able to return in time for embarkation'.⁶⁶ Thus, even in times of economic collapse concessions were made to soldiers despite the cost to the state.

Legislation affecting separated and deserted wives during the early 1920s followed a very similar course to measures affecting unmarried mothers. The first Act to be passed - the Married Women (Maintenance) Act, 1920 - raised the limits on a maintenance order for the mother to 40/- a week and, for the first time, provided for the inclusion in an order for a sum to be paid for any children of the marriage. The amount for each child under the age of 16 years could not exceed 10/- a week. The latter provision, in contrast to any other passed in the immediate post-war era, did reflect the growth of concern for the children of adulterous wives.⁶⁷ If a wife committed adultery, her husband could have her maintenance order discharged. Following the passing of this Act, if this occurred, then at least the children were protected because he could not discharge their part of the order. However, if the Affiliation Orders (Increase of Maintenance Payments) Act had not been passed in 1918, this piece of legislation may never have come about. It was only because magistrates had to face separated women on a daily basis, in the knowledge that unmarried mothers had been awarded an increase on bastardy limits, that they decided, successfully, to put pressure on the government for this reform.⁶⁸

Another Act introduced in 1920 was also to affect separated and deserted women. The Maintenance Orders (Facilities for Enforcement) Act, introduced a system of registration for maintenance orders made in parts of His Majesty's Dominions and Protectorates. The purpose of this reform was similar to that of the 1914 Affiliation Orders Act and the Criminal Justice Administration Act of

⁶⁶ Ibid.

⁶⁷ PRO HO45/11936.

⁶⁸ PRO HO45/22823.

the same year - any money that was paid by a defendant living overseas was to be forwarded to the Clerk of Justices who would then pay it to the person named on the order. Various colonial authorities had been campaigning for this measure since 1911. Although this statute appeared to be the type of measure that would have come about as a result of the war, there is no evidence to suggest that this was the case. On the contrary, it seems it would have been passed at an earlier date if the war had not interrupted its progress.⁶⁹

v) The Government's Failure to 'Reconstruct' the Experience of Lone Motherhood at the End of World War I.

When the American Judge Henry Neil visited Britain to speak about the experience of mothers' pensions in the U.S.A., he was convinced that as a result of war people's attitudes would change because

it will compel people to understand that the nation cannot exist when it makes its first principle the making of profits. It must make its first principle the making of human life safe and sound.⁷⁰

However, this change did not come about and what the Judge described as the earlier principles underpinning policies towards lone mothers remained intact:

society will generally let you go on with the pensioning of mothers as long as you do not touch the profit system, then they call a halt. It is quite easy to get the legislatures of civilised nations to give a pension to a mother ... when there is no man about at all, but if there is a man about, and it is anyway possible for him to produce profits, then the needs of the mother and the children are used as pressure upon him to produce those profits.⁷¹

Even before demands were mounting for public expenditure cuts to be made in the early months of 1921, the government had already rejected the scheme for

⁶⁹ PRO HO45/11082.

⁷⁰ Cited in National Birth-rate Commission, 1920, p.83.

widows' pensions that had been put forward by the Ministry of Reconstruction on the grounds of its cost. The Government Actuary estimated that this scheme would involve an expenditure of approximately £50,000,000.⁷² Thane⁷³ has argued that this outcome was inevitable because the government was faced with more important expenditure increases as a result of the war unexpectedly ending in November 1918, which meant that it was in no hurry to consider any additional measures that would increase its costs. For example, the 'out-of-work' donation to ex-servicemen was to cost the Treasury £62 Million by the time the final payments were made in May 1921.⁷⁴ Moreover, as unemployment became a pressing social problem after 1919, its enormous cost meant that there was a belief that there was even less money available for other social services.

The government was not just concerned to stop new schemes being initiated however. By the early 1920s, it also became preoccupied with the tightening up of the administration of existing schemes which it claimed were subject to unnecessary expenditure as a result of overlapping and fraud. Even the Ministry of Reconstruction had, by 1918, called for measures to be taken which would reduce this phenomenon by the introduction of a common system of registration of cases by the several different authorities giving money in the home.

Even though the Labour party estimated that its scheme for mothers pensions would only cost £20 million, because it excluded a large proportion of the estimated 270,000 unmarried mothers, and also deserted wives who subsequently had illegitimate children, its Bills failed to proceed in Parliament. Davies blamed this failure on the fact that 'only the Government in power is entitled by the constitution and practice of this country to pass a Bill involving such expenditure'.⁷⁵ (As it happened, by 1925 Labour had already changed its mind about including divorced, deserted or separated and unmarried mothers on the grounds that they did not want to weaken the fathers responsibility. Moreover, it

⁷¹ Ibid., 1920, p.82.

⁷² Davies, 1923, p.20.

⁷³ 1982.

⁷⁴ Ibid., p.153.

⁷⁵ Davies, 1923, p.3.

was in this year that widows pensions were finally enacted, and by a Conservative government). This indicated that some of changes to the value system upon which British society was based which the experience of war had brought about were only temporary.

The possibility that lone mothers might become the responsibility of the state was also a non starter because as Thane has shown the influence of Labour women in this period only had a limited impact on a male dominated party.⁷⁶ Similarly, Pedersen has claimed that some feminists in Britain, 'by identifying family policy with women's emancipation deepened the attachment of other groups to the defence of the men's breadwinner status, for example, by politicians, civil servants, Trade Unionists and social scientists'.⁷⁷ She therefore claims that, towards the end of the war, family policies became more rigorously underpinned by the male breadwinner model. This certainly proved to be the case in relation to lone mothers.

However, while this attachment might have urged the government to act on the proposals of individualists, particularly those initiated by or on behalf of the NCFUM&HC, as we have seen, this clearly only happened to a limited extent. Although this was unsurprising during the war itself, once the war had ended it was even stranger given the government's inability to challenge Treasury orthodoxy. One might also have expected boards of guardians to have pressed the newly created Ministry of Health to have fought for such reforms, especially as the numbers of persons in receipt of relief had risen slightly from 554,617 in December 1918, to 576, 418 in January 1920.⁷⁸ Moreover, since 1918 demands by some guardians that governments should equalise the burden of rates across the country became much more forceful. This led the government, in 1920, to allow guardians to arrange Exchequer loans through the Ministry of Health, which resulted in several authorities falling into greater debt by the mid 1920s.⁷⁹ The fact that chasing fathers as a method of clawing back money was not

⁷⁶ 1991, p.114.

⁷⁷ 1993, p.422.

⁷⁸ Home Office, 1923, p.3.

seriously considered until after the slump of 1921, may well have been because the government was frightened of passing any measure that would have added fuel to the general unrest among the male population at the time. Moreover, they probably did not want to antagonise absent fathers at a time when many men were bearing the physical and psychological scars of war and having to face the frustratingly slow process of demobilisation.⁸⁰

In addition to this, the government was also reluctant to pass any measures that might encourage immorality and thus increase the illegitimate birth rate. Because organisations, such as the NCFUM&HC, thought the 1918 increase to limits on bastardy orders was not high enough, they continued to pressurise the government for further increases. However, the Home Secretary expressed deep opposition to this suggestion on the grounds that a further rise 'must be regarded much more in the nature of compensation to the woman, and it puts far too great a premium upon the birth of illegitimate children'.⁸¹ He was also against any measure that might expose men to blackmail.

If this bill is passed, anyone might expect to receive any morning one or it might be several letters from the Registrar asking whether or not the recipient admitted paternity. The woman would know that she was expected to name someone, and if she did not know, or did not wish to say, who the father was she could at any rate name a person with regard to whom there had at least been opportunity for connection which would lend some appearance of credibility to her story. If the limit were raised to forty shillings it is probable that she would choose someone of means - probably, if a servant, her employer - likely, to be adjudged to pay the full amount.⁸²

Finally, the government was also fearful of having to face any further accusations of 'licensing sin'. This had happened after Separation Allowances were introduced in 1914 which permitted payments to be paid to the cohabitees of soldiers.⁸³

⁷⁹ Crowther, 1988, p.48.

⁸⁰ Thane, 1982, p.148.

⁸¹ PRO HO45/11190, memo written by the Home Secretary, 28 April 1920.

⁸² Ibid.

⁸³ For further discussion see, for example, Marwick, 1991, p.83; Land, 1975, p.161.

However, the government did instruct the Cabinet Committee of Home Affairs in May 1920 to consider the Bills that had been presented to Parliament by this date. Even though the Committee found that there was a lack of proper provision for illegitimate children, it also expressed concern about the issue of blackmail. It also rejected these Bills because of the clause whereby illegitimate children would be legitimised by their parents subsequent marriage. Even though this provision had the potential to reduce the numbers resorting to the Poor Law as it may have encouraged putative fathers to marry, it was anticipated that such a proposal would be rejected in the House of Lords because it would be in breach of the laws of succession to titles and property.⁸⁴

As blood testing for paternity was not available until the end of the 1940s, the government was perhaps not being unreasonable over its fear of blackmail. However, in addition to worries about this and other moral issues, it was also not ready to implement any measure that would increase the administrative costs of a new scheme. In response to calls for family matters to be removed from the magistrates courts (also known as 'police courts' because their primary purpose was to deal with criminal matters), one civil servant stated that:

I suppose motorists will want special courts next! There is some dissatisfaction, but it is impractical to make every system perfect at every point, and special courts would be expensive.⁸⁵

The government was just as wary, as it had been before the war, of passing legislation that might increase the numbers of absent fathers being sent to prison. Because magistrates had very limited powers to attach wages this was a real possibility. Moreover, since 1920, the Police Commission had once again been drawing the Home Office's attention to the increase in the number of male debtors being sent to prison for wife maintenance and bastardy arrears.⁸⁶ This

⁸⁴ Minutes of Meeting, PRO CAB/26/56.2.

⁸⁵ Minutes on file dated 6 March 1928, PRO HO45/15719.

⁸⁶ See letter from the Home Office to Sir Claud Schuster, 15 April 1924. PRO HO45.12692.

had moved the Home Secretary to send out a circular in 1921 to Chief Constables stating that if a man against whom a warrant for commitment had been issued

is found to be bedridden or in such a state of health that he is clearly unfit for prison discipline ... in any such case the facts should be reported to the Justice by whom the warrant was issued with a view to its execution being suspended.⁸⁷

The government's reluctance to ensure that absent fathers paid up at this point in time may also have had something to do with the misogynist attitudes held by some ministers and civil servants. An inspection of public records provides ample evidence of this phenomenon. For example, the following scornful comment on Chamberlain's Bastardy Bill, 1920, was not untypical:

The object of the Bill may be to secure the welfare of the illegitimate child, but the principle underlying its provisions is - find a father for every bastard - if the true father, so much the better - but in any case fix paternity upon someone and make him pay a weekly allowance.⁸⁸

Even though the Secretary of State for the Home Department, Mr Shortt, stated that he was in favour of saving expenditure on unmarried mothers, he too was against any Bill which might have a negative impact on absent fathers:

to many men a charge of being the father of an illegitimate child is as serious a matter as being charged with a criminal offence; it may break up his home; if he is a married man, it may ruin him socially and in every way that means his happiness in life.⁸⁹

The differential treatment of women and men during the war also provides evidence of the powerful influence of these views.⁹⁰ While great efforts were taken to ensure that women remained 'chaste', men in the armed forces were

⁸⁷ PRO HO45/11033.

⁸⁸ Minutes on front of file, PRO HO45/11190.

⁸⁹ HC, Parliamentary Debates, 1920, 128, col. 2426.

encouraged to do just the opposite. Stimulated by the grossly exaggerated scare about 'war babies' in 1915, and so-called 'khaki fever', women's behaviour became subject to significant controls. Adolescent girls, in particular, became the focus of attention, because there was a widespread belief that they were asserting their sexuality in such a way as to threaten the moral order.

These girls have thought it grand to go around with a man in Khaki. They regard sexual intercourse as something natural, not merely to be obtained by marriage, but as a clever accomplishment.⁹¹

Such women became labelled as 'amateur prostitutes' and their presence around army bases led to the formation of the Patrols Committee and the Women's Police Service which attempted to stop them from going 'astray'.⁹² If caught soliciting they were treated harshly:

They are getting immense sentences - anything from six to fifteen months. From the time the amateur begins until the time she gets into prison, is very often not a fortnight.⁹³

The so-called 'amateur prostitutes' were also held responsible for the spread of VD among the troops which prompted the government to pass Regulation 40d under the Defence of the Realm Act in 1918. This measure made it an offence for any women with VD to have sex with, or solicit, a member of the armed forces.

However, it was not just young, single women who were subjected to stricter controls. Steps were also taken to ensure that soldiers wives conducted themselves 'properly' while there husbands were away fighting. For example, 'in the anticipation that soldiers' wives would indulge in excessive drinking, the public houses were closed during certain hours open to men'.⁹⁴ They also risked loosing their allowances for 'unchastity, drunkenness, neglect of children or a

⁹⁰ See for example, Woollacott 1994a; Haste 1994; Pankhurst 1987.

⁹¹ Captain A. F. Wright cited in National Birth-rate Commission, 1920, p.17.

⁹² Woollacott, 1994a, p.326-p.327.

⁹³ Dr Mary Gordon, cited in National Birth-rate Commission, 1920, p.18.

⁹⁴ Pankhurst, 1987, p.98.

criminal offence'.⁹⁵ In October 1914 an Army Council Memorandum and a Home Office letter were issued to Chief Constables giving them instructions to place all women in receipt of separation allowances under surveillance.

Soldiers' wives and relatives were thus to be subject to a penalty in excess of that imposed by the ordinary law. They were placed at the mercy of secret reports, without any public or private trial or opportunity of vindication or reply.⁹⁶

If soldiers' wives were subjected to this kind of treatment, this would seem to indicate that there was not in fact a wholesale change in attitudes towards separated, deserted and unmarried mothers. The double standard in the way men and women were treated during the war also helps explain why absent fathers were not put under greater pressure at this time. Although historically men have not been subjected to many controls on their sexuality, the war acted to relax even the basic restraints. According to Pankhurst, not only were soldiers who were serving abroad provided with prophylactics, but those in France apparently had the services of prostitutes arranged for their use.⁹⁷ The First World War must therefore be seen as a period during which the double-standards of the Victorian era were revived with a vengeance. Indeed, it seemed that while men were treated leniently in order to keep up their morale, the opposite occurred for women, despite the necessity for their labour on the Home Front.

The government, therefore, clearly felt unable to concede to the demands of campaigners following the war, not only because of its worries about the financial implications of taking measures to improve the administration of child support, but also because they threatened to undermine the dominant ideology underpinning this institution. As we shall see in the next section, policy-makers may also have been reluctant to take action on behalf of lone mothers for eugenic reasons. Although the Eugenics Society was 'moribund' during this

⁹⁵ Ibid., p.99.

⁹⁶ Ibid.,

⁹⁷ Ibid., p.102.

period, its ideas still appeared to have a strong hold over the élite.⁹⁸ Because of this, and various other reasons, the government was not alone in its reluctance to share with the campaigners a more humanitarian attitude towards lone mothers and their children. Nor were they prepared to see further state intervention which might have helped such families secure some form of financial security.

vi) Other Opposition to Reform

Fears that class purity was being 'watered down' was not a new phenomenon. However, even though in the four years since 1914 there was an estimated shortfall of 543,087 births in England and Wales,⁹⁹ 'the prevailing ideology of the ruling élite felt the imperative of maintaining such class purity...'.¹⁰⁰ It was not, therefore, more working class children that were wanted by those in power, but middle and upper class ones. As a result of this there was a desire to avoid 'race suicide' by the middle classes. This led Marie Stopes to campaign for the greater use of birth control by the lower social classes. As a member of the Eugenics Society since 1912, she explained her position to the National Birth-rate Commission as follows:

I want to eliminate every child born weaker than it need to be, born unhealthy, born of a rebellious mother, born to any inherited disease, born to a doomed coffin. It would free the community from supporting the unfit, and the middle class could then produce more children of good quality and support them.¹⁰¹

This was somewhat ironic because while it was the increasing use of contraception by the middle classes that had caused the birth rate to decline in the first place, it was more contraception that was advocated for the working class. Stopes was not alone in her belief that measures to improve the birth rate

⁹⁸ Searle, 1979, p.160.

⁹⁹ Report of National Birth-rate Commission, 1920, p.xxxiii.

¹⁰⁰ Reeves, 1993, p.413.

¹⁰¹ Cited in Report of National Birth-rate Commission, 1920, p.252-p.253.

should only be directed at the middle classes. The authors of the Report of the National Birth-rate Commission also supported this because the middle class

have demonstrated superior capacity for the struggle of life in the past by rising the social scale, and have, during the recent past, ceased to contribute anything like their fair share to the nation's capital of men and women.¹⁰²

Despite this rhetoric, however, at the end of the day, these commissioners were really far more concerned to increase the birth-rate among any social class so long as their offspring did not become a financial burden on the central state or the local community. Their objections to birth control, except in exceptional circumstances, are very telling: in cases where persons are likely to transmit any 'serious or mental taint' to their children and

if conception be prevented with the genuine desire to avoid ill health and suffering by the mother, or the children, for whose support and decent upbringing no adequate means exist, in short, with a desire on the part of both parents to avoid responsibilities which in the circumstances are impossible of fulfilment, then such conduct cannot be regarded as immoral.¹⁰³

The same authors also condoned abstinence in working class marriages, especially where the social and economic circumstances would 'render the proper upbringing of children impossible'.¹⁰⁴ This attitude was somewhat hypocritical for while children were recognised as a collective benefit to the nation, the financial responsibility had to remain in the hands of individuals. The continuing attachment to the eugenicists creed explains why there was no desire to make lone motherhood a more attractive proposition. It also explains why there were general fears of taking any measures which might increase the illegitimate birth-rate, even though there was no evidence that by improving the treatment of unmarried mothers their numbers would increase. Indeed, even the Commissioners were aware that the opposite was more likely to happen for they knew that in

¹⁰² Ibid., p.xxxix.

¹⁰³ Ibid., p.xli-p.xlv.

Norway, where the unmarried mother and her child are treated more generously than anywhere else, the percentage of illegitimate births has notably declined and in all countries where there has been an ameliorative legislation.¹⁰⁵

Other discourses also explain why most lone mothers continued to be at the receiving end of harsh treatment. The notion that destitution was a contagious disease still continued to be held by some. The writer Drage, for example, was clearly of this opinion which he expressed in a collection of articles he wrote for *The Times* between 1913 and 1919. He also described socialism as a 'gospel of despair' and argued for the return of 'the thrift, independence, self-help and self-reliance of years gone by'.¹⁰⁶

This view was further endorsed during the war because of the emerging belief that the increase in juvenile delinquency was the result of the breakdown of home life and the loss of parental control.¹⁰⁷ In 1918 the findings of an American study which linked illegitimacy to crime was published in Britain, thus demonstrating the persistence of this theory which has, and still is, used as an excuse for the condemnation of lone mothers by society. Moreover, like current works on this subject,¹⁰⁸ the results of this study were very dubious. In order to establish the causative factors that led to unmarried motherhood, Kammerer's team studied 500 such women. He concluded they were either mentally defective or immoral. However, his results were arrived at through the use of some highly unscientific methods. For example, even though he used Binet tests on mothers, he still managed to label some women as 'defective' even though they passed, as case number 63 illustrates:

she succeed in passing the most difficult Binet tests, and was considered not feeble-minded or insane. Her behaviour, therefore,

¹⁰⁴ Ibid., p.xlvi.

¹⁰⁵ Ibid., p.lxxi.

¹⁰⁶ 1930, p.25, p.43.

¹⁰⁷ Marwick, 1991, p.159.

¹⁰⁸ See, for example, Murray 1990 and Dennis and Erdos 1993.

was such as led us to believe that this girl represents a class, who, although passing the ordinary tests easily, are yet unable to adapt themselves to life in the community owing to some special defect, such as defect in self-control.¹⁰⁹

While such scare-mongering may have fuelled the public's imagination and reinforced their prejudices against unmarried mothers, this type of study, just like those of today, should never have been conducted. After all, Kammerer himself admitted that although

the rate of illegitimacy in a community is based largely upon births of a more ignorant group of the population, ... no accurate estimate can be secured which would indicate the sexual ethics of those who are intelligent enough to rob the sex act of its normal results. ... A certain group of the population, furthermore, is possessed of sufficient means to enable them to secure abortions which again prevents the registration of the illicit sex intercourse from the pages of the birth register.¹¹⁰

This was, therefore, a complex period ideologically. The pre-war idea that some lone mothers were redeemable was reinforced as a result of the war. So too was the idea that illegitimate children were innocent. However, these beliefs were not shared by all, for running in parallel with them, were those which saw families without fathers as the cause of crime and delinquency and which held these families responsible for their poverty stricken circumstances. As the latter belief had a greater tendency to be held by those with the power to alter the situation of such families, it was not surprising that little was done to ameliorate their circumstances. By 1920, the National Council for the Unmarried Mother and Her Child had reached the conclusion that

It is by no means clear that public opinion has, as a whole, undergone any fundamental change of attitude towards the unmarried mother, nor are there any signs of such a change coming about in the future ... the community did not want the illegitimate child, and was very

¹⁰⁹ Kammerer, 1969, p.245-p.246.

¹¹⁰ Ibid., p.2.

jealous of any benevolent action tending to make illegitimate births free from disgrace and hardship to both mother and child.¹¹¹

It was also stated that

Efforts to remove or lessen the various disabilities which illegitimacy entails upon both mother and child may be possibly regarded as likely to increase the number of births out of wedlock. In fact, it may even be argued that such changes would diminish respect for the married state and weaken the foundations of public morality.¹¹²

vii) Conclusion

As a result of the strains of war, there was a groundswell of concern about the welfare of women and children in general. As a by-product of this movement attention was also drawn to lone mother families. After being exposed to the plight of 'war babies' and the difficulties faced, particularly by unmarried mothers, some sections of the community began to demand reforms to alleviate their situation. Although their needs had been recognised in the years before the war broke out, many more people were prompted by revelations of their wartime experiences to sign up to their cause. It is not altogether clear if this humanitarianism was extended to those lone mothers who were not considered to be 'redeemable'. However, it was certainly directed towards all those unmarried mothers who had just one illegitimate child and had already been the subject of concern before the war. Some deserted wives also aroused sympathy especially as many more men abandoned their wives without trace during the war.¹¹³ Finally, some people may have begun to see separated women from a more tolerant perspective. During this period psychological theories began to emerge which attempted to explain the causes of marital breakdown. However, few people would have been aware of these theories before the 1930s when Havelock

¹¹¹ Report of National Birth-rate Commission, 1920, p.lx.

¹¹² Ibid., p.lxviii.

¹¹³ HC, Parliamentary Debates, 1914-1915, col. 833.

Ellis'¹¹⁴ work finally reached bookstands. But having said that, as the typical, patriotic family during the war was female headed, whether or not a man belonged to the household, it was perhaps not surprising that more people became reluctant to condemn lone mothers and wanted to see them more adequately provided for.

This humanitarianism was just one side of the coin, however. There were still many people, perhaps the majority, who did not want to see lone mother families at the receiving end of beneficial policies because they feared such measures would encourage immorality and, in turn, increase the illegitimate birth rate. In common with the present day, many people clearly wanted to avoid increasing the number of lone mother families because of the supposed link between them and juvenile delinquency. Pseudo-scientific discourses on this subject certainly gave credence to the eugenicist claim that it was undesirable to allow the lower social classes to 'breed' prolifically, and at the public's expense.

As policy makers tended to be more representative of those on the side of eugenicism, it was not altogether surprising that they conceded to so few of the demands for lone mothers that the war inspired. Moreover, in contrast to the Conservatives in recent years, the Coalition government under Lloyd-George had the foresight to anticipate that any measures would necessarily involve greater administrative expense to either the state or the ratepayer. Within the corridors of power there was also a certain amount of hostility towards the demands of feminists. This, coupled, with a general misogyny, probably made those with the ability to bring about change more determined to resist it. The fact that most of the campaigners for reform had little political influence no doubt made this easier.

The government's rejection of any collectivist solution to the problem was not as surprising as its failure to act on more of the proposals of the NCFUM&HC, for example. In common with other radical plans for the reconstruction of society

¹¹⁴ 1937.

following World War 1, such as the abolition of the Poor Law, plans for the 'endowment of motherhood' or widows' pensions were abandoned as soon as the war ended and a more orthodox approach to social problems was reinstated.¹¹⁵ In any case, there is little evidence that many ordinary people would have found this solution acceptable. According to popular opinion, lone mothers needed to be 'rescued' or 'reformed', rather than become acceptable to society. As to the proposal that they should be given pensions, one commentator said that they would be

more disastrous to the uplifting of the mother than even the workhouse. The thought of giving a young woman as much money as she wants to lead an idle life - putting her out on the town to live an idle life - is unpromising; I would give the baby five weeks to survive it.¹¹⁶

Although the individualist solution was not wholeheartedly embraced at this time, the delay was only temporary. As will be seen in the following chapter, when the government faced huge financial constraints following the slump in 1921, it became much more willing to adopt more of the suggestions of the NCFUM&HC. Just as this same organisation today (now called the National Council for One Parent Families), has played a vital part in helping to frame policies for lone mother families, it did the same in the interwar years. Its ability to be so influential is, and was, because it has never been an entirely independent pressure group. The NCFUM&HC originated from the Child Welfare Council of the Social Welfare Association 'working with representatives of Central government and Local Authorities'.¹¹⁷ It therefore had access to power right from the beginning. Because of its composition, it also became heavily involved in the mother and child welfare movement generally and it was more successful in this capacity in the immediate period after it was founded. Because of its links with local authorities, the NCFUM&HC was able to persuade the government to

¹¹⁵ For further discussion see, for example, Pedersen, 1993; Crowther, 1988.

¹¹⁶ Director of the Mission of Hope, cited in the Report of the National Birth-rate Commission, 1920, p.90.

¹¹⁷ NCFUM&HC, 1918, p.2.

give these authorities the power, under the Maternity and Child Welfare Act, 1918, to sanction emergency grants so that they could provide accommodation for unmarried mothers and their children on leaving maternity wards.

Although this measure seems to contradict the argument here - that the government did very little for lone mothers during this period - placing such women in voluntary homes was probably much cheaper than putting them in the workhouse. However, few women benefited from them. This was because those running the homes charged fees from between 12s.6d. to 25s. a week, and, as the NCFUM&HC soon discovered, this was beyond the means of many mothers and their families and friends.¹¹⁸ Consequently, many unmarried mothers continued to resort to the Poor Law for relief. Moreover, just as before the war, they were only likely to be offered the workhouse. In 1920, 79 per cent of lone mothers received indoor relief, which clearly demonstrated that the war had done little to diminish the powerful social stigma that was attached to their status.¹¹⁹

In summary, the evidence makes it clear that while some people expected the strain of war on lone mothers to lead to emergency action being taken, the government failed to deliver much. Although it is impossible to prioritise the reasons behind its reluctance, if the majority of absent fathers then were anything like they are today, it was clearly not an appropriate time to be antagonising them. However, this situation was not to last for long because reinforcing the fathers financial duty was only temporarily put on hold. So too were other suggestions that became more hotly debated during the war, such as adoption, divorce and legitimacy. For a number of reasons, interwar governments became much more interested in reforming the laws relating to all of these issues, as we shall see.

Perhaps, for lone mother families, the most significant aspect of World War 1 was that it was a time during which politically instigated, collectivist proposals were given serious consideration. It is noteworthy that this has rarely happened

¹¹⁸ Ibid., 1921, p.8.

in the twentieth century. Only during the 1970s did it again become a matter for 'high politics', when the Finer Committee put forward its proposals for a Guaranteed Maintenance Allowance. This would suggest that an exceptional social and economic climate is required before governments will give some consideration to recommendations which propose attenuating the principle of the father's duty.

¹¹⁹ Reeves, 1993, p.414.

CHAPTER 4: THE INTERWAR YEARS

i) Introduction

Following the lull in attempts to make absent fathers pay during and immediately after the World War 1, the efforts of policy-makers in this direction were revived during the early 1920s. It was perhaps not surprising that, as in recent years, governments attempted to unburden the responsibility of lone mother families away from the community and onto individual fathers in a time of economic recession, especially as governments then, as now, were essentially conservative, and predominantly Conservative anyway. In any case, as we have seen, alternative, collectivist approaches to the problem had been buried after the war and it was back to business as usual. There was also probably less concern about antagonising absent fathers once the urgent need for them to fight in the armed forces had diminished. In contrast to this, the impact of the war in intensifying the pre-war concern about the treatment of 'respectable' lone mothers and illegitimate children lingered. Thus, even though the government may, first and foremost, have wanted to make fathers pay in order to lessen the financial burden of lone mothers families on ratepayers at a time of economic crisis, their decision to implement harsher methods to coerce absent fathers may also have come about in order to appease some pressure groups.

In addition to this, governments, then as now, may also have been reacting to an increase in the number of lone mother families. While it was still not possible to tell the exact status of women resorting to the Poor Law other evidence shows that the number of lone mother families was probably rising. Even though any increase in the illegitimate birth rate during and immediately after the war is debatable, the commonplace belief that it had risen was widely accepted.¹ The increase in the number of applications for bastardy orders by the end of the war certainly seemed to justify this belief. Since the late nineteenth century these had

¹ See, for example, NCFUM&HC, 1924, p.5.

been fairly constant, in 1896 there were 8,405 applications and in 1913 there were 8,582. However, by 1920 there were 11,851 applications a year.² Applications for maintenance orders also underwent an increase. In 1913 there were 11,369 applications a year and in 1920, 16,545.³ Although, of course, these statistics do not reflect the total numbers of lone mothers because many were reluctant to go to court, they may have been used as evidence that the number of lone mother families was increasing.

Many politicians and civil servants then, unlike now, had all along suspected that their efforts to make fathers pay might not be successful; at the same time as passing Acts to enforce the father's duty, they enacted other legislation which they hoped would diminish the number of such families. For example, because marriage has always been regarded as a means by which the state can avoid the expense of relieving poverty,⁴ legislation to make divorce easier was also passed in the early 1920s. After the mid 1920s, further measures were enacted. These were aimed towards finding other individuals to take on the financial responsibility of the children of lone mothers, rather than let them become a burden on the community. By 1926, adoption had been legalised and under the Legitimacy Act of the same year, illegitimate children could be legitimised by their parents subsequent marriage. Although the latter measure was in part a reaction to the growing belief that these children should be not punished because of their parents' behaviour, its other objective was to encourage putative fathers to marry the mothers of their children and, thereby, reduce the community's responsibility for their financial support.

In contrast to the albeit limited success of these measures, by 1930, policy makers' suspicions that making fathers pay would not work was confirmed. The economy picked-up a little after the mid-1920s, then it was plunged into another more severe crisis following the Wall Street Crash in 1929. Interwar governments were faced with the irony that their efforts to ensure that absent

² Departmental Committee on the Social Services in Courts of Summary Jurisdiction, 1936. p.152.

³ Ibid.

fathers paid had the unintended effect of increasing state expenditure, rather than reducing it. This was for the simple reason that more and more men ended up in prison for failure to pay. As a result of this, the government then bent over backwards to find ways of avoiding the expense of sending absent fathers to prison. This was achieved by the Money Payments (Justices Procedure) Act in 1935 which led to an almost immediate, and drastic reduction of the numbers of maintenance and affiliation defaulters being sent to prison. But, because this measure did nothing to reduce the number of lone mothers who were, or might become, dependent on the Poor Law, other tactics had to be adopted. Under the Summary Procedure (Domestic Proceedings) Act, 1937, provision was made for courts to appoint probation officers to encourage couples to reconcile. At the same time, the Matrimonial Causes Act was passed which again attempted to make divorce easier by extending the grounds to include desertion for at least three years.

The reasons behind the failure of measures to enforce the father's financial duty in the 1920s were much the same as they always were, and as they are today. Obviously the very existence of legislation indicates that men have to be coerced into paying. However, as this alone does not ensure that all will do so, additional state expenditure is required, either to keep them in prison, or - as today - to provide an administrative agency to force them to observe their obligations. As the costs involved in this outweigh the benefits (if there are any), governments then abandon their efforts in this direction. However, these schemes do not just fail because it is difficult to compel absent fathers to pay. In particular, they are doomed to failure for one fundamental reason, which a Metropolitan Magistrate summed up in the interwar years when he pointed out that:

Very few men ... will ever be in a position to maintain two women, to say nothing of two families; our economic system, like our morals, is based on monogamy.⁵

⁴ Gittins, 1993, p.83.

This chapter will detail the story of efforts to make the father pay in the interwar years, to demonstrate how past precedent could have predicted the failure of the Child Support Act, 1991. It will also investigate the experience of lone motherhood during the interwar years. It is always necessary to do this because, although measures to make fathers pay were not intended to alleviate their circumstances, they were much needed by these women. Even though it will be concluded that measures to enforce the father's duty were primarily introduced because governments sought to find their way out of the depression through the application of orthodox economic policies, i.e. by achieving balanced budgets, such a mono-causal theory is far too simplistic. After all, the influence of some pressure groups in shaping policy cannot be ignored. Indeed, had it not been for the decline in the women's movement by the 1930s, and some unfortunate links between some feminists and the eugenics movement in the 1930s, the government may not have been able to get away with abandoning its efforts to make father pay, whatever the economic climate. Changing and diverse discourses on lone motherhood were also to play a part in shaping policy. An escalating number of studies, claiming to show that there was a link between family breakdown and juvenile delinquency, reinforced the widespread belief that nothing should be done which might encourage such families to proliferate. Even the Children's Branch of the Home Office conducted some research, between 1922 and 1924, into this alleged problem by investigating the numbers of illegitimate children admitted to Industrial Schools.⁶ The growing belief that a mother and child should be kept together was also influential. Some of the organisations concerned with unmarried mothers began to argue, in the early to mid 1920s, that if the mother kept her child, she would be less likely to become pregnant again with a second illegitimate child.⁷ If this became common practice, although it may have reduced the number of 'second cases', it clearly threatened to make unmarried motherhood more socially acceptable. All of these factors, together with an increasing tendency to offer 'redeemable' mothers a place in a voluntary home, rather than the workhouse, contributed to the idea that

⁵ Mullins, 1935, p.16.

⁶ NCFUM&HC, 1933, p.23-p.24.

it was necessary to reinforce the duty of absent fathers. After all, if lone mothers were going to be treated more favourably, making fathers pay could demonstrate society's ultimate disapproval of such immorality and the dangerous consequences of the breakdown of family life on innocent children.

ii) The Experience of Lone Motherhood in the 1920s

Even though the maximum limits on affiliation and maintenance orders had been raised in 1918 and 1920, the majority of lone mothers were still unable to be self-supporting with the result that many must have resorted to the Poor Law. This was why the NCFUM&HC and other organisations continued with their campaigns after these reforms had been passed. They also continued to put pressure on the government because the experience of lone motherhood, which had been bad enough during the War, worsened during the following years. This was primarily because there were far fewer opportunities for those women who could work to do so during the 1920s. They were also less likely to be able to get help from friends, families and neighbours once the depression set in.

Beginning with the unmarried mother, although the limits on bastardy orders were increased to 10/- a week in 1918, this amount had already depreciated by 1919 after another sudden rise in prices.⁸ Although no statistics are available to show the value of the orders granted, it has to be remembered that just because limits were raised, it did not mean that the majority of unmarried mothers were getting anything like this amount. Therefore, in order to avoid the workhouse unmarried mothers would have needed to work and if this was not possible they may have turned to a voluntary organisation for help. However, more often than not, neither of these were an option. Paid employment was almost impossible because of the difficulty in finding a foster-mother or a hostel who were prepared to take care of a child for anything less than 15/- a week. Even voluntary homes

⁷ See, for example, NCFUM&HC, 1924b; Report of First General Congress on Child Welfare, Geneva, 1925, in PRO ED/121/53.

⁸ For a discussion of the cost of living see, for example, Graves and Alan, 1940, p.67.

which were in receipt of state subsidies could not help the majority of mothers who could not afford to pay fees varying from 12/- to 25/- a week.⁹

Coupled with these difficulties, there were fewer jobs available as there was not the same demand for women workers as there had been during the war. Even though some - or at least those described as having a 'good character' - may have gained employment as domestic servants in those areas which experienced difficulties in finding maids, their chances of being employed depended largely on the age of their child:

The mother with the very young baby is the most easy to place; next to her comes the girl with the two year old who is able to run about; but there is a difficult time when the child is about a year and crawls about and breaks things and requires a good deal of attention and care.¹⁰

But that was not the only disadvantage. Those lucky enough to find this type of work usually found they were at the mercy of employers who endeavoured

to save their own pockets by penalising the employee on the grounds of her previous moral lapse, so as to secure an experienced first-class maid at the wage of an untrained domestic servant.¹¹

As a result of these difficulties, and the stigma still attached to unmarried motherhood which all too often led to the refusal of parental support, most unmarried mothers were unable to find any refuge other than the workhouse.¹² As time wore on, they were even less likely to enter a voluntary home or a hostel. These became even less affordable as the charities running them found it increasingly difficult to secure donations and subscriptions to subsidise fees. Moreover, as single girls were expected to contribute to the family coffers:

⁹ NCFUM&HC, 1921, p.5-p.8.

¹⁰ Ibid., 1921, p.8.

¹¹ Ibid., 1922, p.9.

¹² Ibid., 1921, p.8-p.10.

The wise rule prevailing in many hostels that an inmate should undertake to stay at least six months, is now a serious deterrent, not because the girl would wish to refuse the chance of such a haven, but because her earnings cannot be spared for so long a period from the family exchequer.¹³

Although adoption was not legalised until 1926, the old tradition of making informal adoption arrangements continued. However, this alternative was not available to many mothers with illegitimate children. It was a public myth 'that there were numberless would-be-adopters pining to adopt other people's children free of charge'.¹⁴

Compounding all the above difficulties, the problem of getting a bastardy order in the first place was just as difficult as it had always been. The factors which deterred women from applying in the first place remained the same as in the era before World War 1. These included, for example, the fear of publicity and the lack of stringent proof needed to establish the paternity of the child. The latter led one magistrate to wish that he could

punish the men who get girls into trouble but who take deliberate pains to avoid writing to them or giving them presents or committing themselves in the presence of third persons. When charged with the paternity of a child they perjure themselves deliberately in denying that they have had any improper intercourse, and the case has to be dismissed for want of sufficient corroboration.¹⁵

Even if an unmarried mother was successful in getting a bastardy order, this did not mean that she necessarily managed to make the father pay it. Men 'disappearing' or making themselves unemployed rather than pay remained a common phenomenon.¹⁶ Nor at any point during the interwar years was any legislation introduced which would have enabled a bastardy summons issued in England or Wales to be served in Scotland or Ireland or vice-versa. Although the

¹³ Ibid., 1922, p.6-p.7.

¹⁴ Ibid., 1925, p.2.

¹⁵ Chapman, 1925, p.116.

¹⁶ Mullins, 1932, p.250.

1914 Affiliation Orders Act had been implemented in the attempt to ensure that mothers more readily received the money due to them, not all magistrates courts had appointed collecting officers, even by the 1930s. This was to remain a bone of contention throughout the period and those fighting for lone mother families did not cease to demand that they should be installed in all courts. The fact that they were not demonstrates that while governments were concerned to reduce local expenditure, they were not prepared to fund the cost of administering the legislation they had enacted. This was probably because many civil servants and politicians never totally believed that any measure to enforce the payment of maintenance and affiliation orders would be effective. They may, therefore, have only half-heartedly given in to demands of the organisations who wanted to enforce the father's duty. After all, there was no harm in passing legislation to make fathers pay if there was a chance that it might be successful, but governments were certainly not prepared to pump extra money into, for example, making administrative changes, if they were not entirely convinced that they would work.

Finally, the threat of imprisonment did little to force men to pay. Organisations which campaigned on behalf of lone mother families, such as the NCFUM&HC, the National Union of Societies for Equal Citizenship, the National Council of Women, the Standing Joint Committee of Industrial Women's Organisations, and the Six Point Group, were unsuccessful throughout the entire period in persuading governments to reform the law which allowed a period of imprisonment to have the advantage of wiping out all arrears. Moreover, magistrates could order the sentence to be served for just one day. As Mullins, the Chief Magistrate, confirmed:

In proper cases, even the one day need not be enforced, and in fact I usually instruct the gaoler not to enforce it ... It is regrettable that we have to resort to these tricks to ensure justice, but until we are given power to reduce arrears, we must choose the lesser evil to avoid the greater.¹⁷

¹⁷ Mullins, 1935, p.119.

Perhaps if free legal aid had been available to lone mothers their attempts may have been more successful. However, this was not introduced until 1949, although a government committee reporting in 1926 recognised it was a necessity in maintenance and bastardy cases. This committee decided that it would be too expensive to provide for cases heard in Courts of Summary Jurisdiction.¹⁸ In contrast to this, since 1914, poor divorce petitioners had been able to obtain the services of volunteer solicitors and barristers free of charge if they had property worth less than £100 a week. This had come about in response to the demands of the Commissioners on the Royal Commission on Divorce in 1912. Although slightly more people were able to get divorced as a result, the very poor still had to use the magistrates courts until the divorce courts were decentralized. After the passing of the Administration of Justice Act, 1920, the numbers able to get free legal advice was, however, reduced. Under this Act a petitioner also had to be earning less than £4 a week. Consequently, divorce was not an option available to the vast majority of ordinary people at this time, especially as the cost of attending court in London was extremely prohibitive.¹⁹

Separated and deserted mothers faced many of the same problems as unmarried mothers. This was because maintenance legislation was very similar to bastardy legislation with the consequence that the obtaining of an order, and enforcing it, was just as difficult. Moreover, although the female participation rate in the labour market did not decline in the interwar years to the same extent as the male participation rate, this probably did not mean that separated or deserted mothers found it any easier than unmarried mothers to gain employment.²⁰ Thane²¹ and Lewis²² have also noted that opportunities for poorer mothers to supplement their incomes though casual and part-time work diminished in this period. For example, because of the growth of commercial laundries, the age-old method of

¹⁸ Committee on Legal Aid for the Poor, 1926, p.8.

¹⁹ Rowntree and Carrier, 1958, p.193-p.194.

²⁰ For a discussion of women's declining opportunities to work in the interwar years see, Brookes, 1988.

²¹ 1982, p.166.

²² 1984, p.61-p.62.

earning extra money by taking in other people's washing gradually disappeared. If they took on some form of homework, which was still available despite the passing of the Trade Boards Acts in 1909 and 1918, the most usual minimum rates on the basis of a 48 hour week even by the late 1930s were only 28/- to 30/- for a woman (as compared to 48/- to 52/- for men). As Cole²³ pointed out, 'these rates are still very low in relation to any tolerable standard of human needs'. In 1923, Rathbone had translated Rowntree's 1914 estimate for the maintenance of the standard family at 'a modest level of comfort' as being 61s. 8¼d.²⁴ Even though this estimate has been contested by other authors, the differential between this and the average wage of female homeworkers is sufficiently wide enough to justify Cole's claim.

Undertaking any form of employment that necessitated child-care also became more difficult to contemplate as the day nurseries which were opened in the war shut once it had ended.²⁵ Moreover, after the war, women were once again forced back into their more traditional forms of occupation which was to have an effect on the wages they received.²⁶ Even though there were to be new openings later for women to work, for example, in the civil service and within light engineering companies, this would not have benefited many women except for those who were single and living in the South or the Midlands.

Evidence of the deteriorating circumstances of lone mother families was confirmed in a poverty survey by Bowley and Hogg in the mid 1920s when they discovered alarming numbers of children in poverty. They found that one of the main causes of poverty, apart from insufficient wages, was the absence of a male head of household.²⁷ But having said that, it has to be remembered that then, as now, the recession did not affect the country evenly. It was the old, traditional industrial areas which were most severely hit. Thus, where a woman lived also affected her chances of finding work and escaping poverty.

²³ 1939, p.3.

²⁴ 1986 edition, p.372.

²⁵ Lewis, 1984, p.35.

²⁶ See, for example, Lewis in Gloversmith, 1980, p.212.

²⁷ Cited in Thane, 1982, p.167.

National insurance schemes at the beginning of this period were based on the assumption that women were dependent on a male breadwinner. However, as the interwar years progressed and governments tinkered with these schemes, in order to reduce expenditure by making access to them more difficult,²⁸ women were badly affected. Although governments were able to get away with this because the ideology that women should be full-time housewives underwent a revival during the interwar years,²⁹ many of the reforms to insurance based schemes must have had dire consequences on those lone mothers who had been lucky enough to have paid contributions. This, clearly, did little to help them become self-supporting. For example, the not genuinely seeking work test, which was intentionally aimed at female claimants,³⁰ must have had a particularly severe impact on some lone mother families. The introduction of the means test in 1922 must also have been extremely detrimental to their efforts to maintain themselves and their children, especially as such women had traditionally taken in lodgers to supplement their income. But having said that, the number of women affected by these measures was probably fairly small as many would have still been excluded from insurance schemes.

All these difficulties probably meant that many lone mothers had little choice but to resort to the Poor Law. Although outdoor relief became more common during the 1920s, because it was cheaper and there were more Labour controlled guardians, many lone mothers were still only offered the workhouse. Those fortunate enough to have been spared this had to manage on reduced levels of outrelief as the 1920s wore on. The responsibility for poor relief was taken over by the Ministry of Health in 1918; by the late 1920s, central government exerted its powers to reduce local expenditure. Indeed, then as now, governments were anxious to reduce the powers of local boards of guardians, and later local authorities, especially after the massive increase in expenditure on poor relief.

²⁸ Deacon, 1976, p.54.

²⁹ For a more detailed discussion see Giles, 1995, p.4-p.5.

³⁰ Deacon, 1976, p.24.

which soared from £173 million in 1919 to £332 million in 1921.³¹ They also wanted to keep a tighter hold on local finances during the remainder of the period because grants from central government grew from 30% in 1920 to 40% by 1939.³²

iii) Making the Father Pay After 1921

The above has shown that there was a demonstrable need to do something, if not on behalf of lone mother families, then to prevent them from becoming a burden on the community. Therefore, the NCFUM&HC, some women's organisations, and societies such as the Salvation Army, continued to draft Bills in the early 1920s. Their initial efforts failed when Bills presented to Parliament by Neville Chamberlain and Captain Bowyer were rejected. By 1923, however, the stalemate had ended. After that date the government was quite prepared to pass legislation that attempted to ensure that lone mothers received maintenance or affiliation payments. After all, as table 4.1 shows, there had been huge increase in the numbers receiving relief:

Table 4.1: The numbers in receipt of Poor Law relief on the last week of March from 1919-1923.

1919	1920	1921	1922	1923
465,378	494,322	653,517	1,465,599	1,345,634

Source: Ministry of Health, 1930, p.161.

This change of heart also followed an increase in the numbers being taken to court by the Poor Law guardians for neglecting to maintain their families. Although it is not known how many were separated or putative fathers, there had been an increase from an annual average of 1,095 between 1915 and 1919, to 2,125 between 1920 and 1924.³³

³¹ Drage, 1930.

³² Crowther, 1988, p.47.

Following a change of government, which brought in the Conservatives with Chamberlain as Minister of Health, the first Act to reinforce the duty of putative fathers was introduced in 1923. By this time, the government was more amenable to increasing the maximum limit than the Liberal's had been in 1918. However, they continued to resist the idea that children should be legitimised by their parents subsequent marriage until 1926, by which time the most significant remnants of the system of feudal land tenure had been removed by the Law of Property Acts in 1922-1925. Even though Bowyer had dropped many of the most contentious clauses in his earlier Bills, others remained which the government could still not accept. For example, it still would not accept the clause which would make the Clerk to the Justices the collecting officer. This may well have been because of the higher cost of employing highly trained officers. The government therefore temporarily blocked the Bill, until Bowyer agreed to drop this particular clause.³⁴ The Bastardy Act of 1923 was, therefore, a much more diluted piece of legislation than its instigators had intended: the limits on orders were only raised to 20/- a week; a slight improvement was made in regard to the issue summonses; and orders secured by boards of guardians became transferable, for the first time, to the mother when the child ceased to be chargeable. Finally, the Act also extended the provision under the Affiliation Orders Act of 1914, whereby fathers had to inform the collecting officer of any change of address. Under the new Act, putative fathers also had to inform the mother, or anyone to whom the order was payable, of any change in his address.

Legislation affecting separated and deserted wives during the early 1920s followed a very similar course. However, changes to reinforce the financial duty of fathers who were separated from their wives took longer to come about. The first Bill to be presented in parliament in 1922 by Robert Newman, (the Separation and Maintenance Orders Bill), failed because many of the clauses were too controversial. For example, there were particular objections to the provision which would have enabled a court to grant a maintenance order while the couple were still living together. So, while governments were by then

³³ Home Office, 1947.

prepared to accept any legislation that might possibly make more fathers pay. they were not prepared to consider any reform which would have unbalanced the relationship between men and women within marriage. With reference to this particular clause, Hugh Godely at the Office of the Parliamentary Counsel wrote that it was a

preposterous Bill which, like many other Bills promoted by the women's societies, under the pretence of removing slight inequalities between the sexes, strike at the very foundations of domestic felicity.³⁵

Another clause, which would have given magistrates the power to attach wages, also aroused controversy. However, as Baldwin's Conservative government was now in power and was anxious to make fathers pay, they drafted their own Bill leaving out the contentious clauses. Although they also supported the attachment of wages and pensions, they were reluctant to provide for this because of the fear of opposition from the Labour Party,³⁶ and the Treasury's objection to any proposal that crown pensions and salaries may become attachable.³⁷ Although this Bill was passed by both Houses of Parliament, it initially failed to receive royal assent because of the sudden dissolution of Parliament in 1924. By 1925, when the Conservatives were back in power again, the Summary Jurisdiction (Separation and Maintenance) Act was finally passed.

It is interesting to note that most of the clauses in the Act were potentially money saving devices. The first of these provided for the partial continuance of an order for the benefit of children if the original order was discharged on the grounds of the wife's subsequent adultery. Up until this point in time if the separated wife committed adultery, the husband had been able to discharge the whole of the order. The new Act also stipulated that a husband could not discharge an order if he had conduced his wife to commit adultery through failing to pay her

³⁴ *Justice of the Peace*, 13 January, 1923.

³⁵ Letter to Sir Ernley Blackwell, 27 June, 1922, PRO HO45/11936.

³⁶ See Letter from Blackwell of the Home Office to the Chief Magistrate, 21 July 1922, PRO HO45/11936.

³⁷ Letter from the Treasury to the Home Office, 22 September, 1922, PRO HO45/11936.

maintenance. Finally, the Act empowered courts to enforce orders through the application of the relevant bastardy legislation. This meant that, for example, fathers were obliged to inform the collecting officer and the person to whom the order was payable of any change in his address. The collecting officer also now had the power to inform the wife if payments had fallen into arrears. Moreover, if orders continued to be unpaid, magistrates could resort to the strict measures of distress and/or imprisonment under bastardy legislation.

In summary, it seems that although the impact of World War 1 was largely responsible for intensifying demands to make better provision for the enforcement of maintenance and affiliation orders, these reforms may not have come about if economic recession had not set in. The attempt to make fathers pay in the early to mid 1920s reflected other legislation which was designed to save either local or national expenditure. As Crowther has pointed out:

The one factor that unites historians in explaining the events of these years is the growth of the Treasury's control and the strength of the Treasury's view on economical government.³⁸

iv) The Economic, Social and Political Motivations for Reform

Clearly, the measures that were eventually passed to reform affiliation and maintenance laws did not go any where near as far as the Child Support Act in 1991. Although, if the campaigners had got their way, they would have done. This was partly because the Conservative Party in the interwar years was quite 'macho'. Jarvis has argued that 'the contrast between Conservative Party institutions and the stereotype of macho, union-dominated Labour organisations may have been less stark than previously implied'.³⁹ The Conservatives were also as reluctant as the Liberals had been to pass any measure that would increase state expenditure, particularly if this meant more men being sent to prison. This worry was confirmed by the Secretary of State for the Home Office. When he

³⁸ Crowther, 1988, p.38.

was under intense pressure to reform the bastardy laws in 1920, he said he wanted to ensure

that an intolerable burden is not placed upon the putative father which will only make him a gaol bird.⁴⁰

However, the Acts passed in 1923 and 1925 did demonstrate that, when faced with the economic crisis, the government was prepared to go further to make fathers pay than perhaps they would have done in different circumstances. By this time, most of the organisations lobbying for change sought to bring about reform by approaching the problem from an individualist perspective. The guiding principle of the NUFUM&HC was 'to inculcate a higher standard of morality by making the father of an illegitimate child feel his responsibility'.⁴¹ This meant that in most respects the NCFUM&HC were on the same side as the majority of politicians and civil servants who, after their initial reluctance in the years immediately after the ending of the war, were happy to find ways of hiving the responsibility of lone mothers onto individual fathers. This also probably explains why this particular organisation was able to gain the support of Neville Chamberlain and, thus, a foothold in the corridors of power. Moreover, their long-term policy, which aimed to solve the 'problem' of illegitimacy by educating the young 'of the laws of health, of cleanliness of body and mind, of self-control and of one's duty towards one's neighbour',⁴² also reflected the dominant ideology of the time. As did their insistence 'not to give doles, but to assist the unmarried mother in meeting her difficulties and to support herself and her child'.⁴³

The government may also have felt that it needed to be seen to be taking action that would reinforce the duty of fathers. The measures introduced in 1914 had partly come about to counter-act claims that some of the Liberal welfare reforms,

³⁹ Jarvis, 1996, p.188.

⁴⁰ Minutes on file dated 27 April 1920, PRO HO45/11540.

⁴¹ NCFUM&HC, 1921, p.4.

⁴² Ibid.

such as the introduction of schools meals in 1908, would diminish paternal responsibility. By 1918, following the introduction of the Maternity and Child Welfare Act, there was a danger of re-igniting this fear. Under this Act, local authorities were given the power to provide, among other things, maternity homes, medical and nursing assistance, and food for expectant mothers and young children in general. In relation to lone mothers, it also extended the scope of grant earning expenditure for homes for unmarried mothers, and homes for 'the children of widowed and deserted mothers and for illegitimate children.'⁴⁴ Because this may have been interpreted as the state taking over the duty of fathers, reforms to bastardy and maintenance laws may also have served to emphasise that:

Governments did not want to interfere with prevailing patterns of responsibility thus reducing the dependency of wives on husbands and children on parents.⁴⁵

Finally, the government's implementation of stricter measures to make fathers pay may have also been a response to the growing sympathy that some felt towards the illegitimate child and those unmarried mothers who were seen as 'respectable'. By the early 1920s, even the media seemed to have softened its approach, at least towards illegitimate children:

Whether we like it or not, illegitimate children are in the aggregate a numerous class; and whatever we think of the conduct of the parents, we have no right to visit it on the offspring.⁴⁶

This change of heart probably reflected the long-term impact of the infant welfare movement. The concern to improve the lot of illegitimate children had also become an international phenomenon. At the first General Congress on Child Welfare, held in Geneva in 1925, of which Neville Chamberlain was a patron, ways of protecting illegitimate children were considered. Delegates

⁴³ Ibid., 1923, p.8-p.9.

⁴⁴ Clarke, 1935, p.398-p.399.

⁴⁵ Land, 1975, p.227.

decided that 'as a rule mothers should themselves have charge of their children, and that the tie between mother and child should be preserved'.⁴⁷ To achieve this end they recommended that

steps should be taken to establish paternity and to compel the father to pay towards the support of the child.⁴⁸

The change in attitude towards some unmarried mothers, which had begun in the first decade in the century, was also to reach new heights in the interwar years. As a result, they became more rigorously 'graded'. 'Dangerous' mothers, that is, those with more than one illegitimate child, were confined to the workhouse where they were separated from their 'dangerous' children. 'Retrievable' mothers were placed in charitable institutions, where they were allowed to keep their children, and where they were taught a trade.⁴⁹

Therefore, many factors played a part in bringing about the policies that were adopted to make fathers pay. Indeed, the measures passed were well suited to the financial and ideological climate in the early 1920s, even though many politicians and civil servants may have had little faith in their ability to achieve the primary goal of reducing central and local expenditure on lone mother families. After all, before the reforms were introduced in 1923 and 1925, the Home Office had been warned by numerous authorities of the 'wasted expenditure of money and time in enforcing affiliation and maintenance orders ...'.⁵⁰

v) The Beginning of the End

Between 1925 and 1930, there was a shift away from policies to make fathers pay. Instead, alternative solutions were sought which aimed to prevent lone

⁴⁶ *Daily Chronicle*, 8 May 1920.

⁴⁷ ED/121/53.

⁴⁸ Ibid.

⁴⁹ Reeves, 1993, p.418.

mothers from becoming a charge on the community. Having met some of the demands of those campaigning on their behalf, it was now the turn of the Conservative Government to implement those measures which it believed would be far more effective.

Governments had been expending greater efforts into devising what they believed would be more practical, and cheaper, ways out of the problem since 1920. This became reflected in the legislation passed from the mid 1920s: a mother could appoint a guardian in the event of her death from 1925; adoption was legalised in 1926; and, illegitimate children could be legitimised by their parents subsequent marriage after 1926.

Legalising adoption was clearly seen by many policy makers as having the potential to reduce drastically the numbers of illegitimate children being maintained by the parish. The following comment to the Adoption Committee in 1921 was typical of those who supported this action:

Any measure which will induce people of a suitable type to offer to adopt children would be ... a relief to the ratepayers.⁵¹

The authors of the report said that

it is worth mentioning that the cost of bringing up and suitably maintaining a child at home may be very much less than the sum required for its maintenance in an institution.⁵²

Once the legislation was enacted, it soon proved itself to be a far more effective solution to the problem than making the father pay - after 1926 the numbers of children adopted 'increased without interruption'. In the 1930s between two and three thousand adoptions were taking place each year.⁵³ Moreover, the majority

⁵⁰ PRO HO45/17927.

⁵¹ Clerk to the Guardians of Southwark, cited in Report of the Committee of Child Adoption, 1921, p.48.

⁵² Report of the Committee on Child Adoption, 1921, p.5.

⁵³ Humphries and Gordon, 1994, p.170.

of children being adopted were illegitimate.⁵⁴ This was despite the earlier warning, made by the Associated Societies for the Care and Maintenance of Child, who claimed that:

No system of adoption can, to any appreciable degree, help the number of illegitimate children to be dealt with, because only a negligible proportion of these children are suitable for 'adopters' who naturally only wish to adopt the healthy child, with, as far as possible, a good family record.⁵⁵

This was the organisation which had drafted the Adoption Bill in the first place. Although its aim had been to prevent the abuse of children who were being unofficially adopted, the government hijacked this reform for other purposes. Had the latter wanted to safeguard children it would also have included a clause banning 'irregular' adoptions, which it did not. And, had legal adoption not been introduced for financial reasons, the Government would surely have wanted to ensure that illegitimate children were only adopted in cases of extreme necessity, but this also did not happen. Indeed, few women's groups wanted to see adoption encouraged because of their belief that mother and child should be kept together. The NCFUM&HC also refused to support this legislation for the same reason. They were only prepared to see illegitimate children adopted in very rare instances, such as in cases where a husband would be willing to take his wife back if she had given birth to an illegitimate child.⁵⁶

In contrast to the government's eagerness to implement this reform, by the later years of the 1920s it was steadfastly refusing to consider any new measures to make fathers pay. Hence, Viscount Astor's Bastardy Bill, drafted by the NCFUM&HC, met a cold reception in Parliament in 1927. The main clauses were as follows: fathers should pay towards the support of the mother during the later months of pregnancy; orders should be allowed against a father for pregnancy and confinement expenses if the child is born dead; and, that power should be given to the child's guardian or a board of guardians to secure an

⁵⁴ Report of the Departmental Committee on Adoption Societies and Agencies, 1937, p.3-p.4.

⁵⁵ Letter from the Association to the Home Office, 13 July 1921, PRO HO45/11540.

⁵⁶ NCFUM&HC, 1921, p.7.

affiliation order in spite of the fact that the insanity or death of the mother made it impossible for her evidence to be heard in court proceedings. Although the government argued that its main objection to the Bill was that it introduced a new principle - if the father was to pay for the mother's pregnancy expenses, he would be paying maintenance for a woman who was neither his wife nor a relative⁵⁷ - it does seem more likely that it rejected the Bill because it no longer had any faith in this approach.

This was despite the fact that the financial burden on ratepayers looked set to increase following the passing of the Mental Deficiency Act of the same year.⁵⁸ Under this legislation, women 'in receipt of poor relief at the time of giving birth to an illegitimate child or pregnant with such child' could be referred to local Mental Deficiency Committees. As members of these committees could then order such women to be sent to an institution for 'defectives', where they would be provided with special accommodation,⁵⁹ ratepayers were faced with the prospect of having to find further money because this would cost more than keeping them in the workhouse or providing outdoor relief. Moreover, the expense of such women would have increased because once detained in one of these institutions, they would have been unable to contribute towards their child's maintenance through paid employment.

During the deepening financial crisis after 1929, the government continued to find alternative methods to deal with lone mothers. By this time, it was even prepared to overlook one of the most basic principles that had always underpinned the provision of poor relief to lone mothers, that is, that they should only be offered the workhouse. In 1930 the Ministry of Health issued a Circular stating that it

does not contemplate that the grant of unconditional outdoor relief in lieu of institutional or conditional outdoor relief shall involve a

⁵⁷ NCFUM&HC, 1928, p.10.

⁵⁸ See Lewis, 1984, p.65 for more details on the Mental Deficiency Act.

⁵⁹ NCFUM&HC, 1933, p.22-p.23.

report ... of the Order to the Minister where the relief is given to an able-bodied women.⁶⁰

Even though many lone mothers probably welcomed this change, the government was criticised for allowing it. Despite the authors of the Report on Local Expenditure forecasting a budget deficit of £120m and insisting on reductions in local expenditure in particular, they firmly believed that the responsibility of liable relatives should be more strictly enforced and that those seeking relief should at least enter the workhouse for a specified period.⁶¹ However, this argument was rejected for the simple reason that permitting lone mothers out-relief was one of the few measures that could be successfully employed to cut this cost. This was because outdoor relief was much cheaper than institutional relief, despite the widespread fear, in common with the present day, that:

There is a grave danger of a permanent pauper class growing up, ... and rearing families at the expense of ratepayers, and whilst the difficulties of finding employment at the present time must always be remembered it certainly seems that this problem should be carefully examined from all aspects.⁶²

In view of the heavy financial constraints that the government was under, it may seem somewhat surprising that under the Poor Law Act of 1930, and the Public Health Act of 1936, both the Labour and National governments continued to pay grants for the maintenance of 'needy and destitute pregnant mothers', in 'suitable cases' in voluntary homes. However, as even the NCFUM&HC noted, this was probably an economic rather than a humanitarian gesture.⁶³ It was obviously more cost effective for the government to subsidise charitable organisations, rather than burden ratepayers with the entire cost by keeping these women in the workhouse. Moreover, unmarried mothers provided these homes with cheap domestic labour.⁶⁴ They may even have helped them to run at a profit by, for

⁶⁰ Ministry of Health, 1930, Statutory Rules and Orders, No. 185.

⁶¹ Committee on Local Expenditure, 1932, p.118.

⁶² Ibid., p.116-p.117.

⁶³ NCFUM&HC, 1935, p.30-p.31.

⁶⁴ Middleton, 1971, p.280.

example, growing flowers and vegetables which could be sold at local markets. However, the government did refuse to continue contributing to capital expenditure on voluntary homes.⁶⁵

To conclude this section, it can be argued that the period from 1925 to 1930 was marked by government attempts to seek other solutions to the problem of maintaining lone mother families. Having reluctantly conceded to pressure groups in the first place, governments then took the opportunity to save expenditure by finding other individuals to take on the responsibility of these families. As part of a much larger process to de-institutionalise welfare, adoption and legitimacy legislation, was driven by the determination to cut costs. So too were the provisions under which lone mothers were permitted to receive outrelief even though this meant abandoning some basic Poor Law principles.

vi) The Failure of Attempts to Make Fathers Pay

As the following table shows, the numbers of men going to prison for non-payment of maintenance and affiliation orders increased dramatically in the interwar years. The fact that the numbers of imprisonments almost doubled those for the years from 1910 to 1914 was quite remarkable, given that the prison population as a whole had diminished since the beginning of the century - the daily average of prisoners had fallen from 14,352 in 1913 to 7,938 in 1929.⁶⁶ This decline was not, however, due to a decrease in crime but instead was largely due to the use of other methods of punishment such as fines and probation, for example.⁶⁷

⁶⁵ NCFUM&HC, 1936, p.17.

⁶⁶ Mullins, 1932, April 23, p.268.

⁶⁷ Ibid., p.268.

Table 4.2: Imprisonments during the years 1910-1932

Year	Total Imprisonments Apart from Remand and Trial Prisoners	Non-payments due to Affiliation Orders	Non-payments due to Wife Maintenance Orders
1910	187,008	1,851	2,294
1911	177,116	1,737	2,176
1912	172,237	1,639	2,177
1913	154,157	1,378	2,176
1914	131,187	1,285	2,323
1915	71,353	468	1,199
1916	54,516	308	1,073
1917	43,040	269	926
1918	33,155	159	772
1919	37,152	435	1,268
1920	49,505	862	2,290
1921	55,848	1,761	3,622
1922	61,033	Figures not available	
1923	59,573	3,049	3,998
1924	55,723	2,636	3,545
1925	54,451	2,508	3,631
1926	56,439	2,380,	3,655
1927	56,208	2,761	3,998
1928	54,146	2,908	4,148
1929	50,043	2,691	4,188
1930	52,432	2,540	4,238
1931	50,598	2,474	4,089
1932	53,150	2,435	3,648

Source: Report of the Departmental Committee on the Imprisonment by Courts of Summary Jurisdiction in Default of Payment of Fines and other Sums of Money, 1934, Appendix 2, (Compiled by the authors from the Annual Volumes of Criminal Statistics and the Prison Commissioners Annual Reports).

The increase in the numbers sent to prison from the early 1920s, for defaulting on maintenance orders, can also not be explained by the increase in the numbers of orders granted: immediately before the War, about 7000-8000 new orders were made each year; since the War, the number was in no year less than 8,700

and in some years exceeded 11,000.⁶⁸ Obviously, the increase in the numbers being sent to prison proportionately outstripped the increase in the number of orders granted. This situation also applied to affiliation orders. Although yearly figures for the number of affiliation orders granted before the War are not available, Table 4.3 shows that in 1913, 6,914 bastardy orders were made in courts of summary jurisdiction, and as this was similar to the figure for 1906 it is probably safe to assume that 1913 was fairly representative year for the pre-war figures. As the numbers imprisoned in 1913 were 1,378, while 2,636 were imprisoned in 1924 - a year in which the number of orders made was almost exactly the same as in 1913 - it is reasonable to assume that the ratio of putative fathers being sent to prison also far exceeded the increase in the numbers of orders made. Commentators at the time also reached this conclusion.⁶⁹

Table 4.3: Bastardy and maintenance applications and orders granted, 1906-1933

Year	Bastardy		Maintenance	
	Applications*	Orders	Applications*	Orders
1906	8,270	6,523	10,972	7,268
1913	8,582	6,914	11,369	7,959
1920	11,851	9,801	16,545	11,602
1921	10,992	9,065	13,244	9,469
1922	9,975	8,056	12,751	8,831
1923	8,849	7,075	12,738	8,740
1924	8,646	6,919	12,738	8,910
1925	8,044	6,543	13,353	9,566
1926	7,995	6,558	13,966	9,941
1927	7,988	6,570	14,263	10,389
1928	7,800	6,395	15,210	11,197
1929	7,790	6,289	15,584	11,244
1930	7,758	6,164	15,991	11,296
1931	7,438	6,001	14,916	10,705
1932	7,046	5,716	13,616	9,719
1933	6,527	5,353	13,603	9,718

Source: Report of the Departmental Committee on the Social Services in the Courts of Summary Jurisdiction (1936), Appendix II, p.152.

*'Applications' meant 'summonses heard'.

⁶⁸ Unwin, 1935, p.1.

⁶⁹ See, for example, Unwin, 1935, p.2-p.3; Mullins, 1932, p.268.

These statistics had already aroused the concern of the government by the early 1930s and not least because of the expenditure required to keep men in prison. Viscount Sankey, the Lord Chancellor in 1932, told members of the House of Lords

The estimated annual cost of a prisoner - that is, the amount expended on staff and maintenance charges, less the estimated value of prison labour - is £44 8s. 9d., and therefore the ... aggregate cost of 1,350 persons [is] about £60,000.⁷⁰

In a similar statement made on 10 September 1932, the Under Secretary of State for the Home Office called for a reduction in the number of imprisonments because it 'would be valuable on the grounds of economy'. He therefore set up a committee, with Fischer Williams K.C. as its chairman, to investigate this issue and make recommendations that would reduce the numbers of men being sent to prison.

The main conclusion of the Committee was that in the majority of cases men were being unfairly sent to prison:

Amongst the men sent to prison for default under affiliation or maintenance orders are some whose failure to make any payment is wilful and deliberate. Some men ordered to pay under affiliation orders deny responsibility and go to prison as a protest. Some men ordered to pay under affiliation and maintenance orders leave the district and may for some time evade detection by the police. These defaulters, however, account for only a small number of the men sent to prison. The majority are not unwilling to pay something, but fail to pay regularly the amount ordered by the court. At the time when they are sent to prison, they are unable to pay the arrears which have accumulated, but they might have paid the sum due, or at any rate a part of it, if they had made more effort in the past.⁷¹

While the authors of the Report partly blamed the men themselves for letting arrears accumulate - 'of most of the defaulters it may be assumed that their will to

⁷⁰ House of Lords, 6 December 1932, col.219.

⁷¹ Fischer Williams Committee, 1934, p.12.

meet their obligations and to economise for the purpose is weaker than the average' - they largely blamed the 'system' for not taking 'sufficient account of human weakness and human habits'.⁷² Although this would suggest that they needed to find ways of making these men pay, the Committee focused its attention instead on finding weaknesses in the administration of the existing maintenance and bastardy legislation. This was, after all, what the government had instructed them to do, for the Committee had been told to:

Review the existing law relating to the enforcement ... of wife maintenance and affiliation orders ... and to consider whether any changes in the law or in the methods of administration it is possible to reduce the number of imprisonments in default of payment, due regard being given to the importance of securing compliance with orders made by the Courts.⁷³

Taking this as their remit, the Committee claimed that Courts of Summary Jurisdiction were making decisions without taking all the circumstances of the parties into account.⁷⁴ They were also critical of those courts which had failed to appoint collecting officers, and of those that had, they were accused of not doing enough to ensure that orders did not fall into arrears.⁷⁵ Collecting officers were also blamed for failing to keep men informed of their right to apply to have an order varied if they had 'fresh evidence' to show that their circumstances had changed.⁷⁶ Finally, the authors of the Report objected to the tendency of magistrates to prescribe a definite scale of payments. Apparently, many magistrates had adopted the practice of the Divorce Court by which, in the case of maintenance orders, they were granting women one-third of their husbands income with some addition for the children. They therefore wanted Courts to exercise far more discretion when assessing the amount to paid.⁷⁷ (This is a pertinent example of history repeating itself - the strict formula for assessing

⁷² Ibid., p.13.

⁷³ Ibid., p.1.

⁷⁴ Ibid., p.15.

⁷⁵ Ibid., p. 43.

⁷⁶ Ibid., p.45.

⁷⁷ Ibid., p.40.

payments under the current Child Support Act has already had to be modified to take into account the needs of men, on an individual basis, in order to increase the chances of them paying).

As a result of their condemnation of the 'system' the main recommendations of the Fischer Williams Committee were as follows:

- i. the weekly amount payable shall be fixed at a proper sum having regard to the means, age and circumstances of the parties concerned;
- ii. the amount shall be adjusted from time to time and with as little delay as possible to the variations in the means and circumstances of the parties;
- iii. proceedings for the enforcement shall be taken promptly with a view to preventing the accumulation of large arrears;
- iv. when nevertheless arrears have accumulated the Court shall have full discretion to excuse the whole or part of them for sufficient cause and that not more than two years arrears shall in any case be recoverable;
- v. commitments to prison for failure to pay the sums ordered shall only be permissible if the Court after consideration and enquiry is satisfied that the failure is due to wilful default or culpable neglect; and
- vi. if a man wilfully defaults the Court shall have power in proper cases to order that the amount payable shall be deductible from his income at source.⁷⁸

In order to achieve the above the Committee insisted that Investigating Officers should be appointed by the Courts. Although they recognised that this would incur extra expenditure by the government, whose priority was to save money, the authors insisted that as such expenditure would result in a more efficient administration and, thus, a reduction in the numbers imprisoned. It would, therefore, have the long-term effect of saving public money.⁷⁹

⁷⁸ Ibid., p.64.

Members of the Fischer Williams Committee were not the only commentators to argue that men were being unjustly sent to prison. In 1935 Unwin, for example, conducted his own research to find out why such large numbers of non-resident fathers were being sent to prison and reached the same conclusion. After interviewing 498 such prisoners he concluded that only one-sixth of men imprisoned for failing to pay wife maintenance had intentionally defaulted.⁸⁰ Of the remaining men, he stated that they

were not the creators but the victims of their circumstances ... their imprisonment was due to the fact that the prevailing legal process is defective.⁸¹

Of the 57 men that Unwin interviewed who were imprisoned under the bastardy laws, he found that only 9 of them were guilty of intentionally not paying.⁸²

The findings of the Fischer Williams Committee provided the government with the ammunition it needed to prevent magistrates sending so many men to prison. This led to the passing of the Money Payments (Justices Procedure) Act in 1935. Although the Act dealt mainly with those failing to pay fines and rates - the numbers of such cases had also increased in the interwar years - as far as maintenance and affiliation proceedings were concerned, the main change was to give the court the power to excuse part of any arrears. Courts were also empowered to vary orders without 'fresh evidence' and were obliged to make enquiries in the defendant's presence as to whether his failure to pay was due to wilful refusal. If it was not, courts were no longer allowed to send such men to prison.⁸³ The Act came into operation on 1st January 1936 and, as the following table shows, there was a substantial decrease in the numbers of non-resident fathers being sent to prison after that date.

⁷⁹ Ibid., p.82.

⁸⁰ Unwin, 1935, p.57.

⁸¹ Ibid., p.60.

⁸² Ibid., 146.

⁸³ For a more detailed account see, Home Office Memorandum on the Provisions of the Money Payments (Justices Procedure) Act, PRO LCO2/1147.

Table 4.4 : Numbers of imprisonments for failure to pay affiliation and maintenance orders between 1935-1938.

Year	For Failure to Pay under Wife Maintenance Orders	For Failure to Pay under Affiliation Orders
1935	2,271	1,284
1936	1,828	850
1937	1,993	835
1938	2,094	833

Source: Home Office, 1938, p.xix.

It has already been suggested that the primary aim of the government was to reduce the burden on tax-payers of sending these men to prison. This was a fact that was never denied. However, the argument that too many men were being sent to prison unjustly because of inadequacies in the legislation and administration of orders is a little dubious. The fact that many of the clauses in the Act had already been implemented in earlier legislation suggests that it is better interpreted as the government's abandonment of its efforts to make fathers pay. After all, politicians and civil servants had never had much faith in this approach as a solution to the problem and had predicted that more men would be imprisoned as a result of the legislation passed in the early 1920s. By blaming the administration and legislation, the government was able to avoid having to openly admit that making fathers pay is doomed to failure. Even if they had been prepared to finance the huge administrative costs involved the exercise would have been self-defeating given that absent fathers then, as now, were by and large unable to fully support the families they had created.

Writing in the same year that the Act was passed, the Chief Magistrate, Claud Mullins denied that courts were sentencing men to prison whether or not their failure to pay was wilful. He argued that it was important to realise that before 1935 courts were not bound to enforce arrears:

The idea exists in some places that when arrears have reached a certain amount, courts have no alternative but to order the imprisonment of the defaulter. This is utterly wrong. Even with our present law there is nothing to prevent courts from making it a general rule that they will only order husbands to prison if they are convinced that their failure to pay has been wilful.⁸⁴

The clause by which magistrates were to conduct an inquiry into the means of the parties was also not new. Under Section 5 of the Criminal Justice Administration Act, 1914, provision had been made that Courts of Summary Jurisdiction 'in fixing the amount of any fine ... shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court'.⁸⁵ This was precisely why the number of such imprisonments went down after 1914. As far as affiliation orders are concerned, magistrates had already been empowered to use their discretion: since 1872, under Section 4 of the Bastardy Laws Amendment Act they were instructed to send men to prison only 'if they see fit'. Under Section 1 of the 1914 Affiliation Orders Act, collecting officers were required to give notice in writing to the person who had been granted an order if payments were in arrears after seven days. Although some courts had failed to appoint collecting officers by the mid-1930s, and the Fischer Williams Committee had recommended that the 1935 Act should provide for the appointment of investigating officers in all courts, the fact that no such provision was made, also points to the governments lack of will to see that justice was being done. Nor did the government accept the recommendation that wages should be attached. This is interesting to note, for it was argued at the time that far fewer Scottish men were imprisoned for failure to pay because under Scottish law a man's wages could be attached.⁸⁶

If the imprisonment in Scotland were in the same proportion to the number of orders made as in England, the actual number would be rather over 500 instead of 15.⁸⁷

⁸⁴ Mullins, 1935, p.116-p.117.

⁸⁵ PRO LCO2/1147.

⁸⁶ This argument is somewhat dubious because research has never indicated this to be a very effective means of making fathers pay. For its effectiveness in the 1990s see chapter five.

⁸⁷ Report of Fischer Williams Committee, 1934, p. 37.

However, in a secret memo, written by the Home Secretary to the Cabinet, he claimed that:

To this proposal the Labour Party would, I understand, feel bound to object because it involves the principle of attachment of wages.⁸⁸

However, as the Labour Party was split and very weak by 1935, this excuse is not particularly convincing. In contrast, the Home Office's desire to protect fathers remained as strong as ever because of the belief that:

There is a tendency for the Courts; having regard to the hardship of the woman's position, to take insufficient account of the man's means.⁸⁹

As the media was also extremely hostile to lone mothers by this point in time, the government could not have contemplated the introduction of attachments to wages anyway. The following extract from *The News of the World*, illustrated this clearly:

Those intimately associated with the working of the legal machine in the police courts are satisfied that the application immediately of the principles embodied in the Money Payments Act ... will substantially reduce the scandals connected with separation orders ... It is certain that many - if not most - of those imprisonments have been secured by what a well-known magistrate has described as "malicious spite on the part of the wives"... In the vast majority of cases of default brought before the courts the defaulters have been harried and hunted by disgruntled or jealous wives ...⁹⁰

It would therefore seem that the Money Payments (Justices Procedure) Act was largely about tinkering with existing measures for the sole purpose of getting men out of prison. However, although the Act was principally a cost cutting device it was also shaped by political and ideological considerations. At the end

⁸⁸ Memo dated 27 February, 1935, PRO HO45/17094.

⁸⁹ H.O. memo, 8 November 1935, PRO HO45/17094.

⁹⁰ *News of the World*, 17 November 1935.

of the day, the Act was constructed to conceal the fact that it was more difficult for men to pay in times of high unemployment. It was also designed to avoid any further state expenditure on the administration of orders, and, finally, it was crafted in such a way so as to avoid controversy by upsetting other political parties or the press.

Some commentators at the time were arguing that there was a correlation between unemployment and imprisonment. As Mullins pointed out:

in 1915 (when trade was good and the unemployment percentage was 1.1), 1,119 husbands were committed to prison; in 1918 (when the unemployment percentage was 0.8) the committals were 772; in 1923 (when the unemployment percentage was 11.7) the number was 3,998, and in 1931 (unemployment 21.3) it was 4,089.⁹¹

Even though it could be argued that the 'system' was responsible for these statistics, this seems a little far-fetched. While many absent fathers may have failed to have their orders varied when they became unemployed, this does not entirely explain why more should have been sentenced to prison. As previously noted, prior to the 1935 Act, magistrates already had the power to use their discretion and only send men to prison if they thought that they were deliberately refusing to pay. It would, therefore, seem that some alternative explanation is needed to explain this phenomenon. Perhaps it can be hypothesized that even if an order was adjusted in accordance with a man's diminished income, the fact that his income is reduced is enough to make him less inclined to pay. After all, life in the 1930s could be soul destroying not only for the unemployed but also for those who found themselves having to take on work that was less secure or less highly paid than their previous employment. The latter phenomenon was all too common at the time. When Walter Greenwood's fictional character, Larry Meath, found himself, again and again, repeating the following he came to the conclusion that 'poverty crushed his heart':

⁹¹ Mullins, 1935, p.116-p.117.

Forty-five bob a week: ten shillings rent, twenty-five shillings food, five shillings coal, gas and insurance; five bob left for clothes, recreation, little luxuries such as smokes and holidays. You gave a week of your life, every week, so that you might have a hovel for shelter, an insufficiency of food and five bob left over for to clothe yourself and the missis in shoddy. 'Aye, and what of the other things?' he asked himself. Books, music, brief holidays by seas that made the heart ache with their beauty, whose very memory sickened one with nostalgia of the soul. His brain refused further contemplation.⁹²

Several surveys at the time also showed how unemployment led to depression and 'emotional instability'.⁹³

Whatever the reason for men being less likely to pay when unemployment rates increased, the official explanation was not very plausible. It can, therefore, be concluded that policy makers blamed the 'system' merely to provide themselves with the excuse to empty the prisons of defaulters. They were probably able to get away with doing this because the power of women's organisations to apply pressure on the government had diminished by the early 1930s. This was partly because feminists had become more divided in their aims as the interwar years wore on.⁹⁴ This was to diminish their political power, a factor which the government was well aware of:

We have not quite got clear of a period during which feminism had an undue ascendancy and during which the men in question were undoubtedly treated rather harshly ... We are emerging from this period: women on the bench at any rate are sobering down.⁹⁵

The resurgence of eugenics in the 1930s could also have been partly responsible for enabling the government to retract its efforts to make fathers pay. In the mid-1930s George Orwell was lamenting the decline in the quality of the population and asking:

⁹² Greenwood, 1984 edition, p.150.

⁹³ For example, Carnegie United Kingdom Trust, 1943, p.69.

⁹⁴ See for example, Keen, 1994, p.57-p.80; Smith, 1990, p.47-p.48; Pugh, 1992, p.119-p.127.

⁹⁵ Minutes on file dated 18 December 1931, PRO HO45/17927.

where are the monstrous men with chests like barrels and moustaches like the wings of eagles who strode across my childhood's gaze twenty or thirty years ago?⁹⁶

By this time, however, as compared with the war years, there was a more general consensus that the quality of the 'human stock' could only be improved by encouraging the 'better classes' to reproduce. Even though class differentials in the fertility rate were not nearly as stark as they had been, Lewis has argued that many contemporaries were unaware of this.⁹⁷ Thus,

Conservative members of professional classes felt justified in urging the attempt to reduce the fertility of the unemployed by popularising birth control techniques and voluntary sterilization to prevent the propagation of defectives from the so-called "Social Problem Group".⁹⁸

The increasing prevalence of these ideas meant that the earlier concern to preserve the lives of even those children from lone mother families no longer existed. Perhaps Havelock Ellis was speaking for the majority when he wrote:

... while it is true that the increase of the best types of citizens can only enrich a state, it is now becoming intolerable that a nation should increase by the mere dumping down of procreative refuse in its midst. It is beginning to be realized that this process not only depreciates the quality of the people but imposes on a state an inordinate financial burden.⁹⁹

Because of the perceived financial and social burden of 'mental defectives', the government set up the Departmental Committee on Sterilisation, which reported in 1933, 'to consider the value of sterilisation'.¹⁰⁰ The Committee's own inquiry found high illegitimacy rates: out of 3,247 mentally defective women known to local authorities to have children, 66% were unmarried'.¹⁰¹ Clearly, if such

⁹⁶ Orwell, 1989 edition, p.90.

⁹⁷ Lewis in Gloversmith, 1980, p.216.

⁹⁸ Searle, 1979, p.159.

⁹⁹ Havelock Ellis, 1937, p.464.

¹⁰⁰ Departmental Committee on Sterilisation, 1933, p.3.

¹⁰¹ Ibid., p.32.

women were sterilised, they could be let out of institutions and released into the community to support themselves. Although the Committee came out in favour of voluntary sterilisation no legislation followed. However, the very existence of this Committee was symbolic of the turning tide of public opinion which became even less tolerant of 'repeaters'.

Coupled with this growing distaste, the proliferation of arguments claiming that there was a correlation between juvenile delinquency and husbandless families also acted to increase society's intolerance of having to support lone mother families. The Director of the Institute of the Scientific Treatment of Delinquency stated that '... it is made clear by social studies of families that criminal behaviour in the young is apt to occur where a family is broken by orphaning, separation and divorce'.¹⁰² This belief was also to influence the next phase of the government's treatment of lone mother families.

Having shown that they were not prepared to let these families become a greater burden on the community, and having failed to make fathers pay, the Conservatives, and then the National Government under Chamberlain's leadership from 1937, turned their attention to finding ways of preventing such families being formed in the first place. As will be shown in the next section of this chapter, they intended to achieve this by implementing policies that would encourage couples to reconcile. It was certainly no coincidence that, in the late 1930s, some organisations began espousing the idea of marriage guidance.¹⁰³ In the meantime, however, the action of governments in the years from 1930-1935 clearly led to a depreciation in the standard of living experienced by lone mother families. As orders became more difficult to enforce more of these families must have been forced to seek poor relief. Indeed, the NCFUM&HC claimed that as a result of the 1935 Act

¹⁰² Institute for the Scientific Treatment of Delinquency, 1938, p.170-p.171.

¹⁰³ See, Lewis, Clark and Morgan, 1992.

some courts now forgive debt of this kind too easily and refuse to imprison even the most persistent offender ... the fact that prisons are less full of debtors than formerly is of no comfort to such mothers.¹⁰⁴

However, even though this was to add to the ratepayer's expense, the government probably accepted that this was a small price to pay compared with the cost of imprisoning so many fathers. (As a result of the depression the ratepayer's expense had increased anyway. It had 'laid an additional burden on the shoulders of many unmarried mothers ... Many putative fathers are out of work when their children are born or may lose their work later').¹⁰⁵ However, the government was also probably aware that such women would continue to do their utmost to avoid resorting to the Poor Law. Indeed, its deterrent effect was as strong as ever for lone mothers would go to extreme lengths to avoid it. The NCFUM&HC claimed that it was not uncommon for mothers to stay in night shelters in order to avoid the workhouse despite the hardship it involved:

if the children are debarred from shelter during the day, they must necessarily suffer from exposure and lack of proper attention, especially if the mother is occupied in begging the price of the next night's lodging, with the child in her arms or dragging at her skirt.¹⁰⁶

vii) Further Attempts to Prevent the Creation of Lone Mother Families

Having given up its attempts to make fathers pay in the years from 1930-1935, the government largely devoted the following five years to either preventing couples from separating, or if they did, to enabling them to get a divorce. As far as unmarried mothers were concerned, their expense had already been reduced by putting 'first offenders' in the hands of charitable organisations. By 1939 there were nearly one hundred voluntary homes in England and Wales for unmarried mothers which were approved for maternity and child welfare grants by the

¹⁰⁴ NCFUM&HC, 1939, p.14.

¹⁰⁵ Ibid., 1935, p.17.

¹⁰⁶ Ibid., 1932, p.30.

state.¹⁰⁷ After giving birth they may have had their children adopted and at no cost to adoption societies. As Middleton has stated, such girls 'accepted a period of work in return for the association disposing of the child'.¹⁰⁸ Many adoption societies also made unmarried mothers pay a fee for the services they rendered when arranging the adoption, and some even required mothers to pay up to 10/- a week for the first three months after the adoption had taken place.¹⁰⁹

In order to achieve its new plan for dealing with separated and deserted mothers, the government had set up a committee before the 1935 Money Payments (Justices Procedure) Act was passed, which was instructed, among other things, to

enquire into the social services connected with the administration of justice in the courts of summary jurisdiction, including ... the application of conciliation methods to matrimonial disputes.¹¹⁰

When the members of the Committee conducted their enquiry they found that many magistrates were already taking steps to encourage couples to reconcile and that 'no fewer than two-thirds of the attempts to effect a reconciliation were successful'. They also found that in most courts probation officers were employed as conciliators.¹¹¹ However, despite this very high percentage of reconciliations, the Committee wanted to see it increased and believed this could be achieved by deterring the parties as follows:

The wife should understand that the regularity of any weekly payment must depend on her husbands capacity to pay, and the husband should realise the economic difficulties of supporting his wife as well as himself when they are not living together. The recognition of these facts may well induce them rather to bear the ills they have than to fly to others they know not of.¹¹²

¹⁰⁷ Ibid., 1940, p.15.

¹⁰⁸ 1971, p.280.

¹⁰⁹ Report of the Departmental Committee on Adoption Societies and Agencies, 1937, p.23.

¹¹⁰ Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction, 1934, p.vi.

¹¹¹ Ibid., p.6-p.10.

They also wanted greater use to be made of interim orders which would give probation officers time to make home visits in order to persuade couples to change their minds about separating. A provision for such orders, which could be enforced for a period not exceeding three months, had been made under Section 6 of the Summary Jurisdiction (Separation and Maintenance) in 1925 but it seems that they had not been widely used.¹¹³

Needless to say, the Committee's proposals would have necessitated an increase in the numbers of probation officers employed by courts. They estimated that the extra expense of carrying out their recommendations would be about £80,000 per annum.¹¹⁴ Although their enquiry led to the Summary Procedure (Domestic Proceedings) Act in 1937, which imposed on the courts the requirement to appoint probation officers to attempt to make couples reconcile, it did not necessarily mean that the government were authorising the extra administrative costs. After all, under the Affiliation Orders Act, 1914, courts were required to appoint collecting officers and the failure of governments to finance this meant that many courts were still not employing them even by the end of the 1930s.

viii) Conclusion

The above has shown that in order to avoid the expense to the community of supporting lone mother families during the interwar years, three distinct approaches were tried. Firstly, under pressure from women's organisations, governments implemented measures which were intended to ensure that fathers no longer evaded paying maintenance or affiliation orders. However, as many policy makers were never fully convinced that this approach would be successful, they more eagerly supported alternative schemes whereby other individuals could be found to take on the financial responsibility of the children of mothers unable to support themselves. After 1925, by which time the

¹¹² Ibid., p.11.

¹¹³ Ibid., p.17.

¹¹⁴ Ibid., p.131.

Conservative Government was aware that the numbers of men being imprisoned for non-payment was increasing, it decided to respond to the situation by passing legislation which it hoped would provide a more successful alternative to the problem of lone mother families. Even though the 1926 Adoption Act proved to be a success in that the majority of children being adopted were illegitimate, after the crisis in 1929, even more drastic measures were needed to curtail Poor Law expenditure. Hence, some unmarried mothers were even allowed to claim outdoor relief. However, although this measure was implemented by a Labour Government, it has to be interpreted as an *ad hoc* response to the emergency rather than as the acceptance of the community's responsibility to support such families. In any case, it was cheaper to keep them out of the workhouse rather than in it and the Labour Party, under MacDonald's leadership, was not in the business of challenging conservative economic policies.

Following this period of reform, and the worsening state of the economy, the National Government abandoned any further attempts to make absent fathers pay because it was more concerned to cut the expense of having to maintain such men in prison. Once this had been achieved, it then turned its attention, once again, to finding ways to reduce the numbers of lone mother families. It therefore continued the process of making divorce easier and passed legislation that provided courts with the machinery to encourage couples to reconcile. Although the latter would have necessitated the injection of money from the central state, by the time it was passed the worst of the depression was over. This is interesting to note because, up until this point, governments during the interwar years had steadfastly refused to implement any reforms which would have involved extra state expenditure. The passing of the Summary Proceedings (Domestic Procedure) Act, therefore, marked the ending of the period during which governments dealt with the problem of lone mother families in an unplanned fashion in response to economic crisis. Indeed, the similarities between this act and the Affiliation Orders Act of 1914, by which courts were required to employ collecting officers, demonstrates how once the Great Depression was over, official policy towards lone mothers returned to the status quo.

Although governments in the interwar years were primarily motivated by the desire to reduce expenditure when they implemented these reforms, as it has been argued above, other factors also shaped policy. To begin with, the impact of World War 1 cannot be ignored, especially as the infant welfare movement encouraged more people to change their attitudes towards some lone mothers and their children. The war also brought the plight of these families to more people's attention especially as their numbers were believed to be increasing. This was to lead to the establishment of the NCFUM&HC, which was just as influential in bringing about the reforms to make fathers pay as it has been in more recent years. There can also be no doubting the impact of feminism during the early 1920s. Other historians have charted their instrumental role to effect greater equality between in the sexes through the Matrimonial Causes Act, 1923, and the Guardianship of Infants Act in 1923. Pugh has also attributed the reforms to maintenance and affiliation legislation to the women's movement, including those which were taken over by the government.¹¹⁵ However, in common with today, as making the father pay failed to benefit lone mothers, it mattered little that the influence of feminism in this area of social policy declined during the interwar years. However, it was less fortunate that those feminists who did not side with eugenicism, in contrast to Rathbone and Stopes for example, were less vocal during the 1930s. If they had been, they may have tempered the loud voices of eugenicists in general who expressed a complete intolerance of lone mother families.

Despite the part played by other factors in determining policy the impact of the depression was undoubtedly the most crucial. The fact that the two most significant steps for dealing with the problem of lone mother families - that is, making the father pay in the early 1920s and emptying them from prisons in the mid 1930s - were taken at times when unemployment rates peaked and government calls for retrenchment were loudest, speaks for itself. However, although this is interesting because it points to some similarities with the passage

¹¹⁵ Pugh, 1992, p.108-p.109.

of reform to child support in the 1980s and 1990s, the most important legacy of the interwar years, in this respect, was to demonstrate why this type of solution simply did not work.

CHAPTER 5: EPILOGUE - THE CHILD SUPPORT ACT 1991

i) Introduction

This chapter explores the Conservative Party's attempt to make fathers pay maintenance from the late 1980s to the mid 1990s, firstly under the leadership of Margaret Thatcher and then John Major. The proposal to reverse the apparent decline in financial support from fathers in the postwar decades became enshrined in the Child Support Act 1991. The following discussion will outline the provenance and objectives of this radical piece of legislation, and its rapid demise.

Even though the Child Support Act has only been in operation for approximately six years, it has failed to achieve any of original aims: it has not benefited the children in lone mother families, either emotionally or financially; it has not succeeded in making more fathers comply with their maintenance orders; and most crucially, at least from the original policy-makers perspective, it has not succeeded in securing public expenditure savings on benefits paid to one parent families. As well as failing to achieve its aims, the implementation of the Act has also caused damage to partners and children in the second families of absent fathers. This was an inevitable consequence, for in diverting more of the father's money towards the first family, the second family was bound to lose out.

Clearly, the Act's failure to improve the lot of lone mothers and their children is of the greatest concern. However, this aspect will not be central to this discussion.¹ The main focus here will be on administrative factors, to show how and why the Conservatives failed to reduce benefit expenditure on lone mother families by pursuing absent fathers, and, in the process, repeated the mistakes of interwar governments. Indeed, it is quite remarkable that the Conservatives

¹ For in-depth discussions of the implications of the Act on lone mother families see, for example, Abbott 1996; Daniel and Burgess 1994; Garnham and Knights 1994; Glendinning et al. 1995 and 1997.

should have chosen this approach given that, ever since Fischer Williams reported in the 1930s, numerous committees have reached the same, age-old conclusion that making the father pay cannot solve the problem of supporting lone mother families because

the boundaries ... are set by the size of liable relatives' incomes and the cost to the public of collections from liable relatives, and of legal services deployed in obtaining thousands of abortive or near abortive maintenance orders.²

However, the Tories chose, for one reason or another, to ignore this. Under the 1991 Child Support Act, absent parents became obliged to provide for the financial support of their children where they 'could afford to do so'. In defining the 'absent parent' responsible, the Act adopted a biological or adoptive definition of parenthood. The amount of child support to be paid was to be determined by the application of a strict, benefit style formula which prioritised responsibility towards biological and adoptive children over other financial responsibilities, including any step-children and children with whom the absent parent is currently living.³

The Act removed the responsibility for assessing the amounts to be paid, the collection of the money and most enforcement procedures from the courts. The administration of maintenance was put into the hands of a newly created 'Next Steps' Agency, the Child Support Agency, employing over 7,000 full-time staff.⁴ Thus, for the first time, such family matters became 'delegalised'.⁵ The Conservatives did not want to delegate the administration of the new scheme to a government department: the rationale behind all 'Next Steps' Agencies was to improve the standard of service and to improve efficiency through improved management.⁶ The aims of the Agency were

² Finer, 1974, Vol. 1, p.148-p149.

³ For a more detailed discussion see Boden and Childs, 1996, p.131.

⁴ The Child Support Agency, 1997, p.46.

⁵ Maclean, 1994, p.505.

⁶ For further discussion see: Self, 1994, p.175-180; Rhodes, 1997.

to deliver a consistent, accurate and timely and cost effective service for the assessment, collection and payment of child maintenance ensuring parents maintain their children where they can afford to do so and that the burden to the taxpayer is kept at a minimum.⁷

Parents with care (largely lone mothers) are placed under an obligation to co-operate with this Agency in assessing the absent father's liability to pay. If they refuse to do so without 'good cause' their benefits are reduced. Even unemployed absent fathers have to make contributions to their child's support as the Agency deducts an amount from their benefits.

Methods of enforcement are much the same as they have always been. If a father fails to pay or gets into arrears, the Child Support Agency can take the following action. Firstly, it makes enquiries into the reasons for the non-payment of maintenance and if it fails to persuade the absent father to pay the monies due it can consider alternative methods of payment. This may involve setting up a standing order but if this is unsuccessful, then payment by deduction from earnings may be attempted. If this action also fails, or is not applicable because the absent father is self-employed for example, then the Agency can apply to the courts for a distraint on goods. If this does not have the desired result then the final method of recovery is for the Agency to apply to the courts again. Magistrates may then impose a deferred prison sentence which gives the father more time to pay, or else, it may impose an immediate prison sentence.⁸

ii) The Background to the Child Support Act

When the Conservative government came into power in 1979, it perceived British society as being in a state of deep-seated crisis, economically and morally. The Conservatives intended to reverse this decline by applying a strict form of economic liberalism combined with a radical moral philosophy aimed at reducing the 'nanny state' by increasing individual effort and thus reducing public

⁷ Child Support Agency, 1997, p.2.

⁸ DSS, 1990a, para. 5.20-papa.5.24.

expenditure.⁹ As far as lone mother families were concerned, the Conservatives argued that the escalating cost to the state of such families was unacceptable. In the years immediately preceding the implementation of the Child Support Act, total benefit expenditure had increased from £27,698 million in 1981/82 to £66,382 million and benefit expenditure on lone mothers families had risen from £1,079 million to £5,728 million.¹⁰ Alistair Burt, the Parliamentary Under-Secretary for Social Security explained the government's objection to this when he stated that:

The truth is that the Treasury represents the taxpayer in the United Kingdom and the taxpayers are men and women all over the country, sometimes on low income, often with families of their own to support, to whom we owe an obligation. I always feel quite strongly as a Minister in the Department of Social Security that I have a responsibility both to those who provide the resources that I then need to use to spend on those who need them [sic]. I have a responsibility to both, but we take the responsibility to those men and women very seriously and we have a duty to relieve them of responsibilities which should rightly be on somebody else's shoulders, and this is one of the basic principles of the Child Support Act.¹¹

The huge increase in the numbers of lone mother families in the preceding decades contributed to the burden on the taxpayer. In 1994, lone parents headed almost 23 per cent of all families with dependent children, which was nearly three times the proportion found in 1971. Until the mid 1980s, the increase in the numbers of these families had been gradual and was mainly due to the rising rate of divorce following the 1969 Divorce Reform Act, which had made divorce easier. After that date, there was a more rapid rise in the number of lone mothers giving birth to children outside marriage. By 1995 over one third of all live births in England and Wales took place outside marriage, which was four times the proportion found in 1971. Even though four fifths of such births occurred in a stable relationship, the number of never married lone mothers stood at 35 per

⁹ Weeks, 1989; Maclean, 1994.

¹⁰ DSS, 1997, p.3.

¹¹ Quoted in Boden and Childs, 1996, p.142-143.

cent of all lone parent families in 1991.¹² Just as they have always been, the vast majority of lone parent families now are headed by women. In 1996, approximately 95 per cent of one parent families were female headed.¹³

The alarming growth in public expenditure did not just occur, however, because of the growth in the number of lone parent families. This was also due to a dramatic increase in the number of lone parent families dependent on means-tested benefits. Because of falling wages and a tighter labour market, the number of lone mothers working full-time had fallen from 23 per cent in 1979, to 17 per cent in 1989. Whereas 48 per cent of lone parents were receiving either Supplementary Benefit or Family Income Supplement in 1976, by 1989 this has risen to 77 per cent receiving either Income Support or Family Credit. In 1980, there were 330,000 single parent families on social security and by 1989, 770,000.¹⁴

Although the government used these statistics to argue its case for placing the responsibility of lone mother families in the hands of absent fathers,¹⁵ it knew that the public at large would find this an acceptable way of reducing public expenditure. In contrast to a government proposal suggesting the privatisation of the National Health Service, for example, the Conservative Party was aware that votes might even be attached to its proposals for child support.¹⁶

It should be noted though that the Child Support Act was not the first measure passed by the Conservatives which aimed to cut the expense to the state of supporting lone mother families. The Social Security Act 1986, for example, reduced the income of these families by replacing special grants with Social Fund loans.¹⁷ However, lone mothers were not the only recipients of benefits to be penalised by this piece of legislation. The restructuring of social security

¹² Office for National Statistics, 1997, p.39-p.52.

¹³ DSS, 1997, p.245.

¹⁴ Boden and Childs, 1996, p.140-p.141.

¹⁵ See, for example, HC DSS, 1990a.

¹⁶ Maclean, 1994, p.512.

¹⁷ Glendinning and Millar, 1992, p.213.

benefits under the 1986 Act also reduced the cost to the state of the unemployed, partly by restricting access to benefits, just as governments had done in the interwar years. The government argued that such measures were necessary in order to provide the unemployed with the incentive to find work. According to Conservative economic philosophy, Britain's economic decline could only be halted by increasing efficiency and competitiveness, by eliminating the 'dependency culture' and by deregulating the labour market. Policies were introduced which, for example, undermined the powers of trade unions, diminished wage regulation and reduced employment rights.¹⁸ The free market, however, did not provide more full-time jobs which was why more lone mothers were forced onto benefits. The numbers of secure full-time jobs declined, while part-time, casual and low-paid work increased. This meant that even on the governments much manipulated figures, unemployment by 1995 still needed to be reduced by almost a million before it could return to the 1,184,600 unemployment figure inherited by Thatcher's government in 1979.¹⁹

The Tories were particularly critical of the court-based system for making fathers pay that was in existence in 1979. Legislation which aimed at making fathers fulfil their financial duties towards their children and/or cutting the cost of such families to the state had been implemented in the decades after 1940. Such measures included: the Affiliation Proceedings Act, 1957, which increased the limit on affiliation orders to 50/- a week; the Maintenance Orders Act, 1958, which gave the courts the power to order the employer of an absent father who was in arrears to pay part of his earnings direct to the court; the Maintenance Orders Act, 1968, which abolished the maximum limit on affiliation orders; the Affiliation Proceedings (Amendment) Act, 1972, which extended to three years from birth the period during which a mother could take out affiliation proceedings; and, the Domestic Proceedings and Magistrates' Courts Act, 1978, which changed the grounds for obtaining a maintenance order and enabled maintenance to be registered and enforced even where it was being paid voluntarily. The Conservatives also put in place some legislation themselves

¹⁸ HC, 1994, memorandum submitted to the Social Security Committee, p.2.

shortly after coming into power. In 1980 the Magistrates Courts Act was passed which finally removed the anomaly by which imprisonment wiped out arrears.

However, despite all these changes, more lone mothers had become dependent on the state for their support and had become less likely to receive maintenance.²⁰ Since the mid-twentieth century, the legal system had 'begun to attenuate the extent of the obligation of a former main breadwinner towards the family from which he was separated, out of concern for the interests of his later-acquired dependants'.²¹ The Supplementary Benefit Commission also did not pursue a rigorous enforcement policy.²²

However, reducing the cost of lone mother families to the Treasury was not the only motivation behind the government's desire to enforce the financial responsibility of non-resident fathers. Some members of the Conservative Party, particularly Margaret Thatcher and others on the so-called New Right, were eager to strengthen the responsibility of the father on moral grounds. At the heart of their moral politics lay the idea that declining sexual standards had weakened the family.²³ This belief had been heavily influenced by right-wing American authors, such as Charles Murray. Murray argued that a growing 'underclass' was emerging in Britain which had rejected the values of society. Single women who had babies without marrying formed part of this 'underclass'; 'they live in a different world from other Britons, and their values are now contaminating the life of entire neighbourhoods'.²⁴

This sort of commentary fuelled a moral panic and although the Conservatives, were cautious not to overstate their fears in the early years of their administration, from 1987 onwards such moralising opinions were always at the

¹⁹ *The Guardian*, 23 December 1996.

²⁰ DSS, 1990b.

²¹ Eekelaar and Maclean, 1986, p.109.

²² Eekelaar, 1984, p.131.

²³ Weeks, 1989, p.294.

²⁴ Murray, 1990, p.4.

forefront of debates on this subject.²⁵ Arguing for a return to 'Victorian values', lone mother families came under considerable attack as illustrated by the following quotes from politicians:

- 'I've got a little list ... [of] young ladies who get pregnant just to jump the housing list' (Peter Lilley, Social Security Secretary).²⁶
- 'Without [families] individuals are like a frantic whirl of atoms, attached to no-one, responsible to nothing, creating a vaporous society, not a solid one' (Virginia Bottomly, Health Secretary).²⁷
- 'We must emphasis our belief that the traditional two-parent family is best. Best for the parents, best for society and above all best for the children', (Michael Howard, Home Secretary).²⁸
- 'We must not be afraid of stating that it is better if at all possible for children to be brought up by both parents' (Norman Fowler, Conservative Party Chairman).²⁹

Clearly the media also fed these fears by citing such comments and added fuel to the fire by endlessly discussing the implications of the breakdown of family life in this country. A great deal of newspaper space was devoted to the perceived link between lone parenthood and juvenile delinquency. The following headline was by no means untypical:

The underclass spawns illegitimate children without a care for tomorrow and feeds the crime rate which rivals the United States in property offences.³⁰

As part of the return to 'Victorian values' involved the restoration of the absent father's financial responsibility towards his children, the Conservative

²⁵ Weeks, 1989, p.293.

²⁶ Quoted in *The Guardian*, 7 October, 1992.

²⁷ Ibid., 17 March, 1993.

²⁸ Ibid., 5 October, 1993.

²⁹ Ibid., 6 November, 1993.

³⁰ *The Sunday Times*, 26 November 1989.

Government announced that it was going to ensure that no father escaped this duty. When Margaret Thatcher outlined her plans for reform at an inaugural lecture at the National Children's Homes' George Thomas Society, she said:

No father should be able to escape from his responsibility. That is why the government is looking at ways of strengthening the system for tracing an absent father and making the arrangement for recovering maintenance more effective.³¹

Although this was to be achieved by making all absent fathers pay, or pay more in the case of those who were already complying with maintenance orders, the understanding of the media was that the government primarily intended to crack-down on those 'errant' or 'feckless' fathers who had evaded payment in the past. Within months of Margaret Thatcher's announcement of her intentions there seemed to be an unquestioned acceptance that the reform was simply about chasing 'errant' fathers. Thus, the title of a leading article in a national newspaper was 'Errant and Harried'.³² By 1992 another article in the same paper stated that the government was 'busy launching the Child Support Agency - the outfit which will, from next April, pursue errant fathers who are failing to pay child maintenance'.³³

Fuelled by such propaganda, there was widespread public acceptance of the principle that fathers, rather than the state, should be providing for their former families. This was confirmed by the 1990 British Social Attitudes Survey which revealed that 90 per cent of men and 95 per cent of women agreed that absent fathers should be making child support payments.³⁴

In addition to the economic and ideological impetus for change, the government also argued that the interests of children should be at the forefront of such a policy. The White Paper outlining the government's proposals for the new

³¹ Ibid., 21 January 1990.

³² *The Guardian*, 30 October 1990.

³³ Ibid., 10 November 1992.

³⁴ Cited in Burgoyne and Millar, 1994, p.18.

scheme was entitled *Children Come First*.³⁵ The belief that children had rights had already taken centre stage during the 1980s when research began to emerge showing that the adverse, long-term impact of divorce on children had been underestimated.³⁶ Moreover, the 1989 Children Act had already emphasised that the responsibility for children rested on their parents and not with the state.

However, although the title of the 1990 White Paper implied that children were to be in some sense better off after the introduction of the Child Support Act this was, as will be shown below, another widespread misconception of the Conservative Government's aims. On the contrary, the interests of the Treasury were to come first. This is certainly the line taken by Garnham and Knights³⁷ and one that the Social Security Secretary, Tony Newton, confirmed when the Bill was being debated. In a briefing to journalists, he stated that the 'point is to recover these massive amounts of taxpayers' money'.³⁸

iii) The Beginning of the End

Within a very short time of beginning its operations in 1993, the Child Support Agency came under attack from just about every group which had initially welcomed it. Even those organisations such as, for example, the National Council for One Parent Families, which had helped the government to formulate the legislation to begin with, became critical. MPs from all parties also expressed their hostility, even though there had initially been all-party support for the Act. However, the angriest and most vociferous group to attack the Agency were absent fathers themselves.

In order to make their objections heard, protest groups, such as the Network Against the Child Support Agency, were formed. Existing groups, such as Families Need Fathers, also took up the cause. This revolt probably stemmed

³⁵ DSS, 1990a and b.

³⁶ Maclean, 1994, p.511.

³⁷ 1994.

from the realisation that under the formula many men were expected to pay more than they had in the past. There was also a huge amount of dissatisfaction with other aspects of the formula. In particular, its lack of flexibility caused the greatest concern. Absent fathers soon realised that it took no account of, for example, travel to work costs, the costs of making access visits to their children or the support of step-children. Divorced men were also enraged when they realised that the formula ignored 'clean break' settlements. These were agreements that many men had made under the previous court-based scheme whereby, for example, former partners had given up the right to any maintenance for themselves in exchange for the equity in the home, or its contents. Some fathers were also aggrieved because the formula did not take into account the expense of supporting elderly dependants. Others simply objected to the principle that they should have to pay maintenance to the child of a former partner or lover who had become pregnant without either their knowledge or consent.

In addition to these and numerous other objections to the formula, there was also a general outcry when it became apparent that the Child Support Agency was not in fact chasing 'errant' fathers. Instead, the Agency was largely relying on extracting money from those who were already paying maintenance. Moreover, it could not deny that it was prioritising these 'easy' cases, which would make the biggest contribution to the £530 million savings target that had been set for 1993/94. This became very apparent when the following memorandum written by a divisional manager of the Agency to his area managers was leaked to the press:

This is not the time for the cases we know should get early attention, but which will need a lot of effort to extract money. The name of the game is maximising the maintenance yield - don't waste a lot of time on non-profitable stuff!³⁹

³⁸ Quoted in *The Sunday Times*, 21 January 1990.

³⁹ Memo dated 25 August 1993, quoted in Garnham and Knights, 1994, p.70.

When this type of targeting came to the attention of the Social Security Committee, which had been set up to investigate the operation of the Child Support Agency, its members called for tougher action against fathers who were not paying any maintenance for their children:

It is not action against parents paying some maintenance which is most demanded. It is rather, action against those allowed to cock a snook at the agency, and taxpayers, by refusing to fill in and return the first communication sent to them by the CSA.⁴⁰

Research at the time also testified that the Agency was using this tactic in the attempt to meet its financial targets. This 'was perceived to be in direct contradiction to the basic moral objective of the Act - the enforcement of parental responsibilities on the part of men who had hitherto evaded them'.⁴¹

However, it was not just the Agency which was accused of acting immorally. Both before and after the Child Support Act had come into being, stories in the press revealed that the Conservative Party itself was quite prepared to indulge in moral hypocrisy despite its rhetoric espousing a return to 'Victorian values' - or its 'back to basics' campaign as it became known under the leadership of John Major. (This should not have come as a surprise for double standards were as much of feature of the Victorian era).⁴² The first case to hit the headlines was that of Cecil Parkinson, a Cabinet Minister in Margaret Thatcher's government. Parkinson became the father of a child as a result of an adulterous relationship with his secretary. He was not alone, however, for over the years the public's attention was drawn to numerous other cases of 'sleaze' in the Tory ranks.⁴³ Although the public and the media may have tolerated such indiscretions in different circumstances, these double standards were unacceptable in the face of the Party's moral philosophy. Moreover, the habit of both Margaret Thatcher and John Major to stand publicly by these men when their stories first came to light further exasperated people in general. Sedgemore has concluded that:

⁴⁰ Quoted in *The Daily Telegraph*, 2 February 1996.

⁴¹ Glendinning et al, 1996, p.280.

⁴² See Walkowitz, 1992.

⁴³ For a full account, see Sedgemore, 1995, p.111-p.116.

Whilst their indiscretions were certainly not the underlying cause of the government's deep and worsening unpopularity, their nakedness made it that much more difficult for the government to be taken seriously by a derisive public.⁴⁴

As a result of all these factors the government decided to make some concessions to absent fathers, which had the ultimate effect of reducing the amount of money that could be recouped by the state. However, had not the press taking the side of absent fathers these concessions may have been less generous. In stark contrast to the support the media had given the Agency prior to its establishment, by 1994 its attitude was extremely hostile. The tabloid press in particular was outraged at the government's failure to fulfil its promise to chase 'errant' fathers. It also held the government responsible for the suicides of some men allegedly driven to despair by the Agency's demands. In the *Daily Mirror*, for example, photographs of such men appeared alongside a picture of the Grim Reaper, while the headline screamed 'Agency get Blood Money'. The article then went on to say that the Agency 'hounds not the feckless fathers who abandon their children without contributing a penny to their upkeep but the conscientious dads who have been faithfully paying up regularly'.⁴⁵

Wallbank has argued that

The media frequently expressed sympathetic unquestioning support for the middle-class fathers and their new partners. ... Middle-class fathers sought to construct themselves as non-residential fathers who remained responsible for and responsive to their children's needs. They then wanted to distinguish their constructed subject position from that of the demonized feckless father who is represented in contemporary debates on child support as lacking in all the aspects of paternal responsibility'.⁴⁶

⁴⁴ Ibid., 1995, p.116.

⁴⁵ *The Daily Mirror*, 18 March 1994.

⁴⁶ Wallbank, 1997, p.192.

The press also undermined the Agency's credibility by revealing that its staff was on performance-related pay. Furthermore, public indignation was stimulated when it announced that the 'CSA blows £5,000 on a staff knees-up' with money that came from the public purse.⁴⁷ A spokesman for the Agency was reported to have said that the money had been spent at the request of the management in recognition of the Agency's hard work at the end of its first year and to help to 'build up staff morale and motivation'.⁴⁸

The Agency had needed to boost staff morale; later the Social Security Select Committee was to describe its administrative performance after its first year as 'dire'.⁴⁹ It had been expected to deal with one million cases in its first year. However, by December 1993 only 200,000 cases had been cleared of which only 120,000 resulted in maintenance assessments.⁵⁰ Although the Agency was partly responsible for this failure, largely through its incompetence to deal with the task it had been given, the refusal of many absent fathers to either co-operate or comply with its demands did not help.

The following list outlines some of the strategies employed by absent fathers to delay or avoid payment:

- Denying paternity: this proved to be very disruptive to the system for it forced the Agency into undertaking DNA testing, which was both time consuming and costly.⁵¹ This tactic, however, was not just used by men in cases where paternity might be in doubt. On the contrary, the Agency was 'surprised to find cases of men with long marriages' who were attempting to deny that they were the fathers of their children'.⁵²

⁴⁷ See, for example, *Today*, 20 March 1994.

⁴⁸ *Ibid.*

⁴⁹ HC Social Security Committee, 1997, p.x.

⁵⁰ DSS, 1994, p.1.

⁵¹ Boden and Childs, 1996, p.151.

⁵² *The Times*, 29 November 1994.

- Giving up work.⁵³
- Giving false information about their employment or earnings, especially by the self-employed.
- Collusion between parents: Abbott's study of parents with care in Liverpool found that some absent fathers and their former partners entered into agreements whereby the parent with care would not disclose the ex-partners name to the Agency on condition that the absent father would cover the financial cost of the benefit penalty if it was subsequently imposed.⁵⁴
- Delaying the return of Maintenance Enquiry Forms issued to absent fathers by the Agency.⁵⁵
- Going abroad or disappearing.⁵⁶

As earlier chapters have shown, many of these tactics are exactly the same ones that absent fathers have employed ever since legislation to force them to pay began in the last century. The Child Support Agency has not, therefore, been any more successful in this respect, despite the government's confidence that it could achieve what no other administrative scheme had managed to achieve before.

iv) The Government's Climb-down

Faced with this kind of pressure from individuals and organisations, together with the failure of the Agency to meet its financial or administrative targets, the government was forced to retreat. As early as December 1993 the Secretary of State for Social Security, Peter Lilley, announced that the Child Support Act was

⁵³ See Glendinning et al, 1995 p.23.

⁵⁴ Abbott, 1996, p.28.

⁵⁵ HC Social Security Committee, 1997, Minutes of Evidence, p.9.

going to be amended. New measures were outlined in the White Paper, *Improving Child Support*, in 1995.⁵⁷ While some of the amendments took effect from April 1995, others were phased in during 1996 and 1997.

Absent fathers are the beneficiaries of changes to the formula. This now takes 'clean break' settlements into account; allows for travel to work costs where the absent parent travels more than 150 miles a week; ensures that no absent parent pays more than 33 per cent of his net income; allows for the housing costs of a new partner or step-children; and halves the original maximum level paid by wealthy absent parents who are obliged to pay an 'additional element'. Absent fathers also benefit from the new regulation which allows for an amount of discretion to be introduced when applying the formula. In particular, they now have the right to appeal to a newly established Child Support Appeal Tribunal for a departure from the formula. This was certainly a 'climb-down' by the government, for not only have these changes resulted in fathers being required to pay less, but they have also undermined one of the fundamental principles of the 1991 Act - that there should be no discretion.

In order to tackle the administrative problems of the Agency, the government also decided that it would have to defer indefinitely those cases which the Agency had been due to take on in 1996. These were the cases where the mothers were not on means-tested benefits and had maintenance agreements already in force. However, prior to this, the government had already given the Agency the go-ahead to shelve indefinitely the pursuit of some 350,000 fathers so that it could concentrate on its growing backlog of cases. These were cases involving lone mothers who were receiving income support before April 1993 when the Agency started its work. Pursuit of cases where mothers had not co-operated in assessing the absent father's liability had also been suspended.⁵⁸

⁵⁶ HC Social Security Committee, 1997, p.vi.

⁵⁷ DSS, 1995.

⁵⁸ HC, Parliamentary Debates, 1994, Vol. 251, col. 1026.

Faced with the growing realisation that making fathers pay was not going to solve the problem of lone parent families, the government then proceeded to make greater attempts to encourage lone mothers to work. As from April 1997, the Benefits Agency have been instructed to set aside £5 a week of any child maintenance received by a lone parent on Income Support or income-based Jobseeker's Allowance. This money is to be used towards a bonus if the claimant or her partner returns to work within 14 days of leaving either of these benefits. The amount payable by way of reward is the lowest of: the amount set aside during the bonus period; the amount of child maintenance paid during the bonus period; or £1,000.⁵⁹

Clearly these and the various other changes which were introduced lessened the amount of money that could be saved in benefit payments to lone mother families. The cost to the Treasury in lost income for the package as a whole was estimated to be £50 million during the first year and £110 million in each subsequent year, once all the measures had been implemented.⁶⁰

In order to mitigate these costs, however, the Conservatives devised other more covert ways to extract money from absent parents, or at least from those who were paying. In the 1995 budget it reduced the tax allowance on maintenance payments to 15p and more than doubled the minimum amount of maintenance payable by the very poorest absent parents. From April 1996 the maintenance paid by absent parents who are themselves on benefits (apart from limited exemptions) increased from £2.35 to £4.80 a week. At approximately the same time the Secretary of State for Social Security also proposed an increase in the benefit 'penalty' from the benefits of lone mothers who refused to co-operate with the Agency without 'good cause'. Doubling the penalty to £18.60 of a lone mother's £46.50 a week personal was estimated to save an additional £40 million a year.⁶¹

⁵⁹ Knights, 1997, p.345.

⁶⁰ *The Daily Telegraph*, 24 January 1995.

⁶¹ Glendinning et al, 1996, p. 285.

v) **The Failure of the Child Support Act**

The government was forced to revise its expectations of the Child Support Act as a method of reducing public expenditure on lone mother families. However, this in itself does not mean that the Act failed. Despite these revisions, the new system may still have been an improvement on the old one. It is therefore necessary to look at the extent to which the Agency has been able to make improvements on the performance of the previous court-based system.

The following table shows the compliance rates of absent fathers who were on the CSA's books in 1996. These are given in two rows. The first, relates to cases where maintenance payments are made via the Agency and, the second, includes these cases and those where the payment is made direct to the parent with care.

Table 5.1: Compliance rates by absent parents on the records of the Child Support Agency

	Full compliance %	Partial compliance %	Non- compliance %
Paying via the collection service only	31.6	31.5	36.9
Paying via the collection service and by direct payment	56.9	19.8	23.3

Source: adapted from Child Support Agency, 1997, p.30.

The second row's first column is higher than the first as one would expect that fathers allowed to make payments directly to lone mothers would be more willing to pay. What is surprising, however, is the low rate of full compliance

overall, especially for payments made via the Agency's collection service. Considering the Conservatives had pledged to 'ensure that parents honour their legal and moral responsibility to maintain their own children whenever they can afford to do so',⁶² these figures are very disappointing.

It is also somewhat shocking to note that in 1981/82 the percentage of lone mothers on benefit receiving maintenance was 50 per cent.⁶³ There are obviously difficulties in directly comparing these figures because some of the lone mother families on the Agency's books would not be in receipt of benefits whereas all the cases for the 1981/82 figure were. In addition, we do not know what proportion of cases were paying both fully or partially under the previous system. On the basis of these figures it is, therefore, only possible to speculate. However, it would appear that there has only been a negligible improvement in compliance rates under the Child Support Agency. But, as the Agency's figures only include 'live' cases, which presumably means that all the cases which were indefinitely 'shelved' are not included, it is not unreasonable to suggest that the court based system did better than the Agency at making fathers pay.

The Agency's failure to make the majority of men comply in full with their maintenance assessments may reflect its reluctance to use the ultimate deterrent of imprisonment. Although it has increasingly been issuing Deductions from Earnings Orders (now at the rate of 4,500 a month), and, in the case of the self-employed, liability orders (County Court Judgements which make borrowing money difficult for these men), it is very rare for the Agency to see that men who fail to comply get sent to prison. In the Agency's annual report there is an admission that they suspend recovery action in cases where 'it would be difficult, insensitive, or impossible to enforce recovery'.⁶⁴ Only 134 men were committed to prison in 1995 and the average time they spent in custody was 27 days.⁶⁵ This stands in stark contrast to the numbers of men imprisoned for non-payment of maintenance in the early 1980s when more than 2,000 men were committed each

⁶² DSS 1990a, para. 2.1.

⁶³ DSS, 1990b, para. 1.4.1.

⁶⁴ CSA, 1997, p.78.

year.⁶⁶ Moreover, liability orders are not always a successful method of enforcement. Evidence shows that the 'CSA is encountering some difficulty in assessing the level of maintenance payable by self-employed absent parents, and in the subsequent enforcement of their liability'.⁶⁷

The decline in the numbers of men being sent to prison does not coincide with the creation of the Child Support Agency, however. By 1985 the figure had fallen to 759 per annum and by 1990 it had fallen again to 243 per annum.⁶⁸ More research is needed to understand why this occurred. Perhaps the Conservative Government, unlike interwar governments, had decided that sending such men to prison was not worth the cost even before the CSA began its operations. However, in the 1980s and 1990s, there seems to be a correlation between the use of this deterrent and compliance rates. As the rate of imprisonment fell during the 1980s so did the compliance rate. Whereas 50 per cent of lone parent families on benefits were in receipt of maintenance in 1981/82, less than 25 per cent were in 1989.⁶⁹ This suggests that policies to enforce child support cannot operate successfully without imprisoning defaulters – which, of course, increases public expenditure. This was a lesson that the governments learnt in the 1930s. The Conservatives seem to have pre-empted this situation from arising, but perhaps this action has contributed to the failure of their policy.

In addition to the overall compliance rates, more than 90 per cent of absent fathers refuse to comply with interim maintenance assessments.⁷⁰ Interim maintenance assessments are imposed when an absent parent does not provide the Agency with all the information requested. In order to encourage full disclosure these assessments are set at punitive rates averaging £90 a week.⁷¹ By

⁶⁵ Home Office, 1995, p. 96.

⁶⁶ Hayes, 1983, p.243.

⁶⁷ Social Security Committee, 1997, p.3.

⁶⁸ Home Office, 1995, p.99.

⁶⁹ DSS, 1990b, p.i.

⁷⁰ *The Observer*, 15 June 1997.

⁷¹ *The Daily Telegraph*, 17 July, 1996.

31 March 1997, £613.8 million was outstanding under these assessments.⁷² Moreover, the Agency has admitted that '[e]xperience to date has shown that most of the amounts outstanding under this type of assessment are unlikely to be collectable'.⁷³ Because of this, the Agency does not even include this amount in its total figure for outstanding debt in its annual report, much to the disapproval of the Comptroller and Auditor General.⁷⁴ In the words of the Agency's last Chief Executive, its policy towards absent fathers who fail to pay interim assessment orders has been 'to say words to the effect, "What a pity you took it this far ... let's wipe the slate clean and start again"'.⁷⁵

In addition to this shortfall of £613.8 million, there is the Agency's recorded debt. By the 31 March 1997 this stood at £513 million. This means that, in the four years since it was established, the Agency has accumulated shortfalls and debts of £1,126.8 million. If the estimated losses to the Treasury from the amendments phased in since 1995 (£50 million for 1995/96 and £110 million for 1996/97) are added to this sum, we are left with a figure of £1,286.8 million that the Agency has been unable to recoup on behalf of taxpayers. Whether the Agency will manage to recoup any of the officially recorded debt is debatable. The Agency has estimated that 'less than half of the £513 million maintenance debt owed by parents ... may be collectable'.⁷⁶

In a few of the cases where the Agency has deferred absent fathers' debts indefinitely, on condition that they pay their maintenance regularly, it has had to settle the deferred debts with the parent with care out of money provided by the Exchequer. In 1996/7 this amounted to £0.095 million.⁷⁷ This brings the total loss in maintenance payments by absent fathers to just under £1,287 million. In fact, this is not much less than the £1,740 million⁷⁸ that has been saved in social

⁷² Comptroller and Auditor General's Report in CSA, 1997, p.78.

⁷³ CSA, 1997, p.61.

⁷⁴ Report of, in CSA, 1997.

⁷⁵ Ann Cant in Minutes of Evidence, Social Security Committee, 1997, p.9.

⁷⁶ CSA, 1997, p.71.

⁷⁷ Ibid., p.63.

⁷⁸ HC Social Security Committee, 1997, p.vii-p.viii.

security expenditure since the Agency took over the responsibility of collecting child support.

For the year 1996/97, the Child Support Agency claimed to have produced savings in benefit expenditure of over £468 million.⁷⁹ However, not all this amount came from maintenance payments by absent fathers. Some of these savings were due to the detection of 'fraud'. Any lone mother who ceased to claim benefits within a month of coming into contact with the Agency was judged by the Agency to have done so because she was defrauding the Benefit Agency. Between April and December 1996 over 33,500 lone mothers withdrew their benefit claims. The Agency therefore decided that the £115 million that would have been paid to them by the Department of Social Security in benefits could be included in the £468 million they claimed to have saved the Treasury.⁸⁰

In 1991-92 benefit savings attributable to 'liable relatives' action amounted to £447 million at 1995-96 prices.⁸¹ Although it is not clear if this figure also included an amount for so-called 'fraud', the minimal difference between this figure and the Agency's is quite astonishing given that compliance rates in 1991-92 were even lower than they are now. As mentioned earlier, figures show that in the late 1980s only 23 per cent of lone parent families on benefit were receiving maintenance which was considerably less than 50 per cent receiving them in 1981/82.⁸² This would suggest that the 'liable relatives' section of the Department of Health and Social Security in the early 1980s was probably more successful in saving public money than the current Child Support Agency. There is even reason to suspect that in reality the sums saved in 1991-92 were greater than those saved by the Agency 1996/97. In addition to 'fraud' savings having been included in the Agency's reported savings figure of £468 million, it also included a sum of £184 million. This is the amount that the Agency claimed was

⁷⁹ CSA, 1997, p.4.

⁸⁰ HC Social Security Committee, 1997, p.xi.

⁸¹ Ibid., p.vii-p.viii. Because this figure was provided by the Committee looking into the operation of Child Support under the CSA, it has to be assumed that they were only referring to the 'liable relatives' of lone mother families.

⁸² DSS, 1990b, para. 1.4.1.

paid by absent fathers who had an arrangement to make payments direct to the parent with care. However, this figure is calculated on the assumption that all these absent parents complied fully with their assessments. As this was highly unlikely, the Audit Office, therefore, considered this sum to be 'overstated' and argued that 'focusing the Agency's collection target on the amount they collect themselves would provide a more reliable and relevant indicator of their performance'.⁸³

The picture painted by these statistics is bleak. It becomes even bleaker when account is also taken of the running costs of the Agency. The Agency's net operating cost for 1996/97 was approximately £224.5 million.⁸⁴ In 1989/90 the administrative cost of the maintenance system which fell on the Department of Social Security and the Magistrates Courts was £44.4 million.⁸⁵ This represents a five fold increase in a matter of seven years. Even if we take into account price increases during this period, which were minimal anyway, we are still left with the fact that the old system was much cheaper to run. Moreover, under the old scheme the yield in terms of benefit savings compared with the administrative cost was greater than under the new scheme. In 1989/90 benefit savings arising from 'liable relative' action was £207 million and the running cost £44.4 million.⁸⁶ This meant that for every one million pounds spent on the scheme, £4.7 million was saved by the Exchequer. In contrast to this, the Child Support scheme in 1996/97 only saved the Exchequer £2.1 million for every one million pounds spent on its administration (this has been calculated on its 'overstated' benefit savings figure of £468 million).

This is not the end, however, because the calculation so far has not included all the other indirect costs which have arisen as a result of the Agency's work. These fall into three broad categories. The first category includes all the expenses involved in keeping the work of the Agency under constant surveillance. The second type of indirect costs relate to compensation payments

⁸³ Report of the Comptroller and Auditor General in CSA, 1997, p.87.

⁸⁴ CSA, 1997, p. 40.

⁸⁵ DSS, 1990b, para. 6.5.

that the Agency has had to meet, and the third set of costs arise from the technical demands of running the Agency.

Surveillance costs have largely come about as a result of the Agency's catalogue of errors and deep unpopularity since it began its operations. Although it is not possible to give figures for the amounts involved, they must be quite considerable; the Government had to set up a Select Committee to investigate the Agency's performance which has now produced six reports. In April 1997, an Independent Case Examiner was appointed to deal with complaints about maladministration from clients who are dissatisfied with the Agency's handling of their cases.⁸⁷ Extra public expense has been incurred by the National Audit Office which has had an unusually high level of involvement with the Agency. For example, because it was unhappy with the Agency's annual report in 1997, the Auditor General decided to produce his own report, which was also reproduced in the same publication.⁸⁸ Finally, the Agency's maladministration of child support has also placed extra demands on the Office of the Parliamentary Ombudsman. The Ombudsman has produced two reports on the Child Support Agency as a result of its administrative problems. In them the list of faults cited cover just about every aspect of the Agency's operations: confusion over procedures; breaches of confidentiality; delays in maintenance requests; problems with interim maintenance assessments and failure to take prompt action to enforce payment.⁸⁹

Compensation costs have arisen because of the Agency's incompetence. As from April 1996, the Child Support Agency, under the order the Minister of Social Security, has had to pay automatic compensation of £100 to people wrongly sent assessment forms.⁹⁰ In addition, more serious cases, which have ended up in court or in the hands of the ombudsman, have necessitated greater payouts. For example, in one case the wife of a man wrongly accused by the Agency of

⁸⁶ HC Social Security Committee, 1997, p.vii.

⁸⁷ *Ibid.* 1997, p.x.

⁸⁸ See, CSA, 1997.

⁸⁹ *The Daily Telegraph*, 14 March 1996.

⁹⁰ *Ibid.*, 26 March 1996.

fathering a child received £2,000 in damages for the 'distress caused'.⁹¹ In another case, this time of a mother, £1,500 was awarded for caused by the Agency's failure to deal with her case properly.⁹² Once again, it is not possible to put a figure of the amount of taxpayers money consumed by compensation and legal claims as there is a limit to the information disclosed by the Agency at present.

Although it is also not possible to arrive at a definitive sum for the technical costs of running the Agency, they have been just as visible. A new unit to deal with Deductions of Earnings Orders has been set up. Known as the Attachment of Earnings Payment System, the unit began its work in December 1996.⁹³ Although not intended just to collect maintenance payments, its existence demonstrates how enforcement necessitates huge administrative investments which are often overlooked when policies like the Child Support Act are introduced, or when the costs of running them are discussed. Moreover, if this unit is as inefficient as the Child Support Agency, then the implications for the taxpayer are surely very serious. There is a great need for further research into the costs incurred by administrative processes.

When the Child Support Agency was first established, a completely new computer system was purchased to handle its workload at a cost of £600 million. However, it has just been reported that:

The £600 million computer commissioned from the US firm EDS is to be scrapped only four years after it has been installed. It has been estimated that the total social security savings made by the agency to date may be wiped out by the new computer system.⁹⁴ [My emphasis].

Clearly, there is no further need to demonstrate the failure of the Child Support Agency. This is not something that the present Chief Executive of the Agency,

⁹¹ *The Guardian*, 3 July 1996.

⁹² *Ibid.*, 14 March 1996.

⁹³ Lord Chancellor's Office, 1997, p.29.

⁹⁴ *The Observer*, 13 April 1997.

Faith Boardman, would dispute either. In the Agency's latest report she says herself

... I am well aware that much work needs to be done to improve our quality of service and increase our effectiveness and value for money.⁹⁵

As far as improving value for money is concerned, it would be cheaper to scrap the whole system and return to the status quo. This is not only because of the need for a new computer system, however. The cost of running the Agency seems to be out of control and there is no indication that it will be trimmed down in the future, although the Minister at the Department of Social Security intends to do just this. Between 1996 and 1997 the net running cost of the Agency had risen by approximately £25 million.⁹⁶ Although the Agency has been instructed to reduce this figure by 25 per cent over the next three years, in line with the rest of the social security machine, it still plans to employ another 900 staff from April 1998 at the cost of £15 million.⁹⁷ More staff but with less money to run the operation does not bode well. In his 1996 report the Ombudsman said he feared a slower service in the future. He also predicts that the Agency will make more mistakes and foresees greater maladministration generally when these cuts are introduced.⁹⁸

There is little prospect of reversing the Agency's steady decline. Moreover, absent fathers are showing no signs of becoming more compliant. Their campaign against the Agency continues unabated. The Network Against the Child Support Agency now has its own website on the Internet:

There you will find, flamboyance exposed, just what the Government is up against in trying to break the fathers' conspiracy to defraud the CSA. The website heading proudly says: "Colluding to Defraud the State". No holds barred, it tells fathers how to cheat. It suggests

⁹⁵ CSA, 1997, p.4.

⁹⁶ Ibid., p.40.

⁹⁷ *The Daily Telegraph*, 9 July 1997.

⁹⁸ *The Guardian* 14 March 1996.

fathers write semi-literate letters: "People are more likely to succeed if they come over as not very bright". It explains how the threat of violence to their ex-partner is nearly always accepted as a reason for the CSA to withdraw. "Showing CSA officials evidence of damage done to a house by an ex-partner (such as broken windows) will usually have an effect". They know the CSA's weak points. "The CSA does not have the ability to investigate the evidence you give them". They know officials work to targets based on cases cleared rather than success in delivering money to mothers.⁹⁹

The size of this pressure group should also be noted. By 1994 it had 212 local groups and 200,000 members. Many other similar organisations have also sprung up since 1993. (There is even a railway workers' group and a gas workers' group campaigning against the Agency).¹⁰⁰ The Agency, therefore, has a formidable task ahead of it.

vi) Lone Mother Families After the Introduction of the Child Support Act

Despite the rhetoric about 'putting children first', in financial terms, there was never any possibility that the majority of lone mothers would be better off. Only one-tenth of the money the Agency collects goes to their families.¹⁰¹ Lone mothers on Income Support (and these are the majority) have every pound in maintenance collected by the Agency deducted from their benefit, and mothers on Family Credit or disability working allowance are only allowed to keep up to £15 of any maintenance paid. That is, of course, in those cases where the Agency has succeeded in making the father pay. Abbott's study of lone mothers in Liverpool found 'low contact' between the Agency and the mothers and concluded that this was probably because the CSA could see little point in intervening in an area of 'high unemployment, where absent parents may be difficult to trace, where little money may be available and where there is general

⁹⁹ Polly Toynbee, *The Guardian*, 26 June 1997.

¹⁰⁰ *The Independent* 20 June 1994.

¹⁰¹ HC, 1994, col. 969.

hostility towards both the Act and the Agency'.¹⁰² In another study of a more representative sample of lone mothers, the Agency had decided not to seek maintenance from fathers in a quarter of the cases.¹⁰³

The latter study also found that as a result of the Child Support Act many lone mother families had become worse off materially. It found that under the old scheme, one-third of absent fathers had made informal contributions to their former families, for example, by giving the lone mothers some money towards household bills, children's clothes and outings, or by providing towards the cost of large Christmas and birthday presents for their children. In a number of cases the fathers withdrew this help as soon as the Act came into effect because they assumed that their maintenance payments would be considerably higher under it. Of the mothers fortunate enough to be able to keep the £15 disregard, the researchers discovered that in many cases the mothers had considerable difficulty in getting hold of the money as a consequence of the Agency's inefficiency.¹⁰⁴ The authors of this study therefore concluded that

as a consequence of the Child Support Act, some children had already experienced a net reduction in the material quality of their lives; others were facing such reductions in the near future, as their fathers became unable to pay for the treats, shoes, clothes and outings which afforded a temporary escape from the deprivations and monotony of life on the poverty line.¹⁰⁵

As Boden and Childs have put it: 'This sits uncomfortably with the dominant principle of child law, which posits that the welfare of the child is the "paramount consideration"'.¹⁰⁶

Losing out on the extras that absent fathers used to provide is undoubtedly a great loss to those lone mother families who benefited from this kind of support. Recent statistics show that 50 per cent of lone mothers live on less than £100 a

¹⁰² Abbott, 1996, p.30.

¹⁰³ Glendinning et al., 1995, p.20.

¹⁰⁴ Ibid., p.20-p.24.

¹⁰⁵ Ibid., p.24.

¹⁰⁶ Boden and Childs, 1996, p.156.

week compared with only 4 per cent of married couples. At the other end of the income scale this pattern is reversed. While 60 per cent of all married couples have an income of more than £350 a week, only 8 per cent of lone mothers do so.¹⁰⁷ Under the Conservative Government the gap between the rich and the poor generally has widened. After deducting housing costs, the real income of the poorest 10 per cent of the population fell by 14 per cent between 1979 and 1991.¹⁰⁸ In fact, this was the opposite of what was supposed to happen. According to Tory economic philosophy, 'rolling back the state' and leaving the market free from such interference was supposed to result in a 'trickle down' of wealth. Like the Child Support Act, this policy also clearly failed. If further policies promised by the Conservatives (before the election of the Labour Government in May 1997), still get the go-ahead lone mother families will become even poorer. In November 1996, Peter Lilley, the Social Security Secretary at the time, announced that as from April 1998 lone parents will no longer be eligible for one-parent benefit (worth £6.30 a week). He also stated that lone parents on Income Support will lose their lone-parent premium (£5.20 a week) and that the cash value of their benefits will be frozen.¹⁰⁹

These cuts are to form part of an overall package of social security savings. If the present government continues the process of whittling away the benefits of lone mother families, whether through increasing the penalty they have to face if they do not co-operate with the Child Support Agency or by directly cutting benefits to them, then it will be lone mothers rather than absent fathers who are the real 'soft targets' at the end of the day. Unlike absent fathers, lone mothers have not been able to launch a campaign against the Child Support Agency, let alone win any concessions from the government. As the first Chief Executive of the CSA pointed out: 'Whilst the men's campaigning is well organised, women living on social security often can't even afford stamps to write to their MPs'.¹¹⁰

¹⁰⁷ *The Guardian*, 2 June 1997.

¹⁰⁸ Boden and Childs, 1996, p.141.

¹⁰⁹ *The Guardian*, 27 November 1996.

¹¹⁰ Ros Hepplewhite, quoted in Abbott, 1996, p.29.

However, just because there is no record of lone mothers complaining, this does not mean that they welcomed the Act or the Agency. Abbott's study (1996), for example, refutes this common assumption. This author also found out why lone mothers did not want to be heard expressing negative feelings towards the new scheme:

All the parents had great concerns about this: that they would be seen or heard by people who had to make decisions about their cases and that they would consequently be regarded as problematic or troublesome; and publicly presenting painful, difficult, or previously secret accounts of past relationships would be a potential source of embarrassment and upset to their children ...¹¹¹

The only voices to be heard, supposedly representing the views of lone mothers, were those of certain organisations, such as, the National Council for One Parent Families which wholeheartedly supported the Child Support Act. This organisation supported the scheme from its inception and also helped frame the Act.¹¹² It may only have done so because it felt that the new scheme was the only politically feasible alternative to the old system at the time. However, as the Council depends on regular grants from the government, this may have biased its views about what is in the best interests of lone mother families. After the Child Support Act was implemented the Council was awarded £1 million by the government to set up a training scheme for lone mothers.¹¹³

Undoubtedly, it has also been hard for lone mothers to challenge any government policies because of their negative image. This is not anything new, as earlier chapters have testified. The depth of hostility towards lone mothers may have shifted slightly in different eras,¹¹⁴ but 'Conservative opinion in the 1990s is as hostile towards unmarried mothers as was the poor law opinion in the nineteenth century'.¹¹⁵ A British Social Attitudes Survey in 1995, carried out by Social and

¹¹¹ Abbott, 1996, p.29.

¹¹² Maclean, 1994, p.517.

¹¹³ Letter from a member of the Campaign against the Child Support Act in *The Guardian* 17 December, 1991.

¹¹⁴ For a detailed discussion see Lewis, 1995a.

¹¹⁵ Ibid., p.47.

Community Planning Research, confirmed this. Only 26 per cent of the respondents agreed with the statement that 'unmarried mothers get too little sympathy from society'.¹¹⁶ Moreover, the chances of these attitudes being reversed is extremely unlikely as the influence of right-wing authors on the subject continue to hit the headlines. For example, Dennis, a researcher at the right-wing think-tank, the Institute of Economic Affairs, has again reiterated his claim that lone mothers and the unemployed are responsible for the rising crime rate. Dennis also believes that lone mothers should partly take the blame for their low incomes because of their lifestyles. In common with those who expressed deep concerns about 'pauperisation' in the first half of this century, Dennis concludes that

the lifestyles of those on the poverty line are linked to the breakdown of cultural mechanisms which once transmitted 'messages of responsibility, striving, self-help and self-improvement'.¹¹⁷

Faced with this kind of hostility, lone mothers remain mute when new policies affecting them are introduced - in contrast to absent fathers or, for example, the protesters against the Poll Tax. Policies in the near future aimed at reducing the burden of lone mother families on the state are, however, unlikely to involve the pursuit of absent fathers. Even though there has been no admission from the Government that the Child Support Act is a complete fiscal and administrative failure, the emphasis on making the father pay is declining and alternative suggestions to the problem of lone mother families have begun to be heard - as in the interwar years. Some of the proposals now being suggested are exactly the same ones that followed the failure of legislation to enforce the father's duty in the earlier period. In the mid 1990s two Bills appeared before Parliament, one to reform adoption law and one to reform the law on divorce.

At the heart of the Adoption Bill lies the proposal to make the welfare of children in such proceedings paramount and to make adoption easier. This is

¹¹⁶ Office for National Statistics, 1997, p.44.

partly to be achieved by reducing the rights of natural parents to block an adoption and by eroding the 'politically correct' barriers to adoption. The Bill is also clearly designed to reduce government expenditure. In recent decades, while there has been a significant decline in the number of adoptions there has been a growth in fostering, the cost of which has caused 'dismay' in the Department of Health.¹¹⁸ Although it is not obvious how this may effect lone mothers if such legislation is passed, one commentator has argued that another aim of the proposal is 'to put pressure on inadequate single mothers to let go, when the struggle and the cost to the state get too great'.¹¹⁹

The Family Law Bill is the work of the Lord Chancellor, Lord Mackay. In a White Paper that was published in April 1995 he stated that his intention was to shore up and reinforce the institution of marriage. However, some of his proposals seemed to contradict this, such as, for example, the removal of fault. The Bill received a rocky passage through Parliament. Even though there is as yet no Act, the Tories have managed to force other amendments into the Bill which would make it harder for couples to break-up. These include, for example, an amendment to make couples fully aware of the financial ramifications of divorce, and measures to ensure that couples go through a three month period of reconciliation before they can begin divorce proceedings.¹²⁰ As we have seen, this is exactly the same remedy that was proposed in the late 1930s after the government at that time realised that making fathers pay was a futile exercise and that it might be better to prevent marriage breakdown in the first place.

Even if the new government endorses these proposals, they are not intended to provide the main solution to the problem of lone mother families. The White Paper that outlined the proposals for the Child Support Act also stated that in addition to making fathers pay, the government intended to 'enable caring parents

¹¹⁷ *The Guardian*, 2 January 1997.

¹¹⁸ *Ibid.*, 22 August 1996.

¹¹⁹ Katharine Whitehorn in *The Observer*, 31 March 1996.

¹²⁰ *The Daily Telegraph*, 17 June 1996.

who wish to work to do so ...'.¹²¹ Initially, this proposal was not at the forefront of policy. Now that the Act has failed, this situation has been reversed. Discussions about making fathers pay have faded into the background, and the whole debate about lone mothers is centred on 'helping' them get into the labour market. This has been especially obvious since New Labour took office in May 1997, under the leadership of Tony Blair. While it has been reported that Labour may abolish the Child Support Agency,¹²² its plans for a replacement system to make fathers pay have yet to be heard of. In contrast to this, a considerable amount of media space has been devoted to relating New Labour's proposals to make lone mothers work.

One commentator has pointed out that: 'Not so long ago any minister questioning the level of state support to lone parents provoked howls of outrage from the Opposition...'.¹²³ This is certainly not the case under New Labour especially with Frank Field and Harriet Harman in charge of the Department of Social Security. On workfare and lone mothers, Field

has a strict Catholic view of the fallibility of fallen humanity that colour his thinking. He believes that the selfishness of human nature, combined with means-tested benefits, encourages fraud, and that until the Left abandons its faith in the perfectibility of Man it will never bring social security spending under control ... In a frank speech ... Field argued that all single mothers with children aged over four should look for work or undertake training. If they refuse, they should be denied benefit. Field called for more child care, adding that student grants should be privatised, freeing £1.2 billion to fund it, thus developing peer-group pressure on single mothers to work.¹²⁴

Although Labour has not said if this scheme is to be compulsory, it has stated that it will provide improved childcare under its 'welfare to work' plan. It plans to encourage more after-school clubs funded by the private sector and the lottery.¹²⁵ The main criticism of this scheme is as follows:

¹²¹ DSS, 1990a, Vol. 1, p.5.

¹²² *The Observer*, 27 November 1996.

¹²³ *The Guardian*, 25 January 1997.

¹²⁴ Patrick Wintour in *The Observer*, 11 May 1997.

¹²⁵ *The Guardian*, 7 June 1997.

Promising to divert a few million pounds from the lottery for homework centres is not a policy. Worse still, pretending this welfare-to-work policy will save money is dishonest. None of the successful programmes, such as Australia's JET (jobs, education and training) scheme which Labour has endorsed, have saved money. Cash is required to back up commitment [just as it was under the Child Support Act].¹²⁶

There are also more fundamental objections to Labour's 'welfare to work' proposal, as Hilary Land has pointed out:

Apparently, looking after children does not count as 'work' unless it takes place in the labour market. It is insulting to describe mothers on benefit as 'passive' and 'dependent' just because their main source of income is the state. Mothers' inability to take paid employment stems not only for concern that with the low wages on offer they would be not better off, but also that *adequate* childcare is costly and consists of more than after-school clubs ...¹²⁷

In recognition that after-school clubs would not in themselves provide an adequate answer to the problem of childcare, the Chancellor, Gordon Brown, announced in his summer Budget in 1997 that lone mothers on Family Credit could keep an extra £40 a week for such costs before deductions from their benefit. This disregard raised the threshold for childcare costs for those on Family Credit from £60 to £100 a week. However, following this announcement new figures released by Department of Social Security showed that only 2,000 out of the 500,000 families claiming the benefit would gain from the disregard.¹²⁸

It will be interesting to see how this plan proceeds. While it may well force lone mothers into the workplace - for the simple reason that they will be powerless to object - they will only be in low paid work because the majority of them are

¹²⁶ Ibid., 2 June 1997.

¹²⁷ Ibid., 3 June 1997.

¹²⁸ Ibid., 16 August 1997.

unqualified.¹²⁹ Field's suggestion that the scheme could be subsidised by students is unlikely to happen, however. When students begin paying for tuition fees in 1998 these resources will be needed to keep the underfunded educational establishments afloat. It therefore seems that once again the cost will fall on the taxpayer, for - even if they do work - lone mothers will still need to top up their wages with benefits. The cost of administering the scheme will also need to be found and, if it is anything like the Child Support Agency, the money involved will be enormous.

Many lone mothers at present save the taxpayer money through their unpaid work in the community. If they are 'helped' to enter the paid work force and are no longer able to help out in schools, or look after elderly or disabled dependants etc., then this cost will fall on the taxpayer as well.

vii) Conclusion

Clearly, the Child Support Act has been a failure, just as similar attempts to make fathers pay were in the interwar years. It is difficult to understand why the Conservative Party failed to foresee this. After all, the reports of the various Committees which had investigated the issue of child support following Fischer Williams, had demonstrated the futility of this approach.¹³⁰ Obviously, it will not be possible to answer this question until historians in the future have access to the records of the Conservative Party. Under Margaret Thatcher the Conservatives demonstrated an overwhelming degree of self assurance over their ability to force unpopular and ill thought out measures to a successful conclusion. In this at least, the fate of the CSA paralleled that of the Poll Tax.

Clearly, the Conservatives were wrong to assume that they could coerce the majority of absent fathers into paying. The government was also wrong to over-

¹²⁹ Ford and Millar, 1997, p.4.

¹³⁰ The Committee on Statutory Maintenance Limits, 1968; the Payne Committee on the Enforcement of Judgement Debts, 1969; and the Finer Committee on One Parent Families, 1974.

look the fact that making fathers pay will always be a counter-productive measure, in financial terms, as long as two households cost more than one. Most men simply do not have the resources to pay much in the way of maintenance to their former families. This was noted by the Fischer Williams Committee in 1935, and was again emphasised by a similar Committee in 1968:

All the evidence available suggests that the parties in the great majority of broken marriages have very limited financial resources and that those who become defendants to proceedings in magistrates courts have earnings or salaries well below the national average.¹³¹

Following the 1968 Committee, the Finer Committee, which reported in 1974, concluded, for the same reason, that 'a more rigorous enforcement of maintenance orders would achieve very little'.¹³² Indeed, this was why the authors of the Finer Report recommended that the state should provide lone mother families with a Guaranteed Maintenance Allowance. Needless to say, this proposal was rejected by the government at the time. Some commentators have argued this was because by the time the government got around to considering it, the economy was in a deep recession.¹³³ However, even if the economy had been healthy, the government would not have seriously considered improving the material circumstances of lone mother families. This was because

there is a reluctance to improve the provision for the fatherless in case marriage is eroded ... and that common-law marriage or extra-marital relations shall not be economically preferable to legal marriage.¹³⁴

This remains as true today as it has always been. It also remains true that

Marital breakdown occurs disproportionately among less well-off parents, whose wages pre-split, let alone post-split, may not be adequate to support a family. Even those who do have a reasonable

¹³¹ Committee on Statutory Maintenance Limits, 1968, para. 103.

¹³² Finer, Vol. 1, 1974, p.11.

¹³³ Eekelaar and Maclean, 1986, p.110.

¹³⁴ Marsden, 1969, p.242.

income cannot usually support two households at an adequate level at the same time.¹³⁵

As Lord Russell pointed out in the House of Lords on the subject of child support:

It strikes me as one of the curious aspects of the modern Conservative Party that while it underrates the amount that people can pay in the form of taxation, it tends to overrate with equal consistency the amount of money which people can pay out of the other pocket which is labelled private.¹³⁶

Although the new Labour Government is also committed to a policy of low taxation, its apparent abandonment of the Child Support Act may stem from a recognition of the inability of fathers to pay, and/or a recognition of the costs involved in making them. However, instead of addressing the structural problems that underlie the issue of child support, it has simply proposed yet another scheme that it hopes will lessen the state's financial burden. However, Labour's plan to make lone mothers undertake paid work is not going to succeed without extra expense to the taxpayer - through the provision of childcare. It will be interesting to see if these running costs are any less, or more, than those of the CSA. Labour's 'welfare to work' scheme is fundamentally different from the Conservative's child support scheme, however. Labour's proposal threatens to seriously erode the male-breadwinner model to the point where perhaps absent fathers will have no role to play at all. Not only will there be little expectation for them to provide financially for their former families, many will also undoubtedly be forced out of the labour market as jobs have to be found for lone mothers.

In conclusion, the operation of the Child Support Act has been no more successful than similar attempts made by governments in the first half of the century. It is ironic that in both periods, attempts to make fathers pay and reduce the cost to the community of lone mother families, had the effect of increasing

¹³⁵ Ford and Millar, 1997, p.5.

¹³⁶ HL, 1994, Parliamentary Debates, col.1658.

either local or national expenditure. In the earlier period this was because stricter measures to make fathers pay resulted in an increase in imprisonments. Under the Child Support Act, while this has been avoided, extra expense has been incurred because of the huge administrative costs, which, at the present time, threaten to wipe-out all the negligible gains that have so far been made in public expenditure savings. This was inevitable because the majority of absent fathers need to be coerced into paying. As we have seen, then as now, many fathers will try and avoid making payments to their former families. This is not, however, always due to wilful neglect. Under the Child Support Act, the Conservatives tried to redress the previous system by attempting to equalise the distribution of a man's resources between his first and second family. As the majority of such men have limited finances anyway, it was not surprising to find that Treasury savings were negligible as compared to the previous system.

Even though it can be argued that the Act also partly failed because of Margaret Thatcher's administrative style, which meant that it was passed quickly and without much consultation, the incremental approach taken by the governments in the first decades of the century fared no better. In both of these periods, making the father pay was a reaction to severe public expenditure constraints by governments whose philosophies were underpinned by the desire to 'roll back the state'. It is, therefore, also paradoxical, that in both these periods, governments sought a solution that required greater bureaucracy. The Conservatives thought that in setting up a 'Next Steps' Agency a more efficient service would be provided than if the scheme had been run by a government department. The Child Support Agency has certainly not come up to expectations in this respect. It stands accused of providing a 'dire' service, and of being incompetent because of the catalogue of errors and mistakes it has made. It has also failed to meet many of its financial and administrative targets. It is not surprising that it has earned itself the nick-name of the 'Child Shambles Agency'. Moreover, the Child Support Agency has been a particularly invasive machine in some peoples' lives, which also casts doubt on the Conservatives stated attachment to the notion of individual liberty.

CHAPTER 6: CONCLUSION

Throughout the twentieth century lone mother families have been seen as a problem. This has primarily been because of their inability to be self-supporting financially. As we live in a society where individuals are supposed to provide for themselves through their paid labour, or be provided for as dependants of those who are employed, lone mothers have not, and do not, fit easily into this framework. However, rather than question this value system, governments have repeatedly tried to make them fit, by attempting to ensure that individual fathers do not abandon their financial responsibility towards their former families once relationships have broken down. The findings of this study have shown that this is not a fruitful exercise for the simple reason that forcing absent fathers to fulfil their obligation often costs the community more money than it is able to recoup from these men. Perhaps if there was a greater recognition of this outcome different ways of approaching the problem would be explored which might, for once, be of benefit to lone mothers and their children who, on moral grounds, should not remain relegated to the margins of society because of the poverty they have to endure.

Even though the history of attempts to make fathers pay in the first half of the twentieth century and in the 1980s and 1990s, shows that governments were more likely to take a harsher line in times of economic decline and/or when faced with an escalation in local or public expenditure, such policies were also the outcome of other factors. In both of these periods the dominant ideology reinforced the notion that lone motherhood was a social ill. Even though sexual mores have undergone considerable changes since the turn of the century,¹ the belief that 'intact' families are better for children and men remains. Because of this governments then, and now, have been determined to discourage the formation of lone mother families. This was partly why, when policies to make father pay failed, governments turned to other methods which they hoped would

¹ See, for example, Weeks 1989; Haste 1992.

prevent the creation of such families. Adoption and divorce legislation, in particular, have been used for this purpose. As neither of these measures threatens to undermine the male breadwinner model, the resort to this tactic is, and was, unsurprising.

This final chapter will review the findings of this study in order to explore the contention that the failure of the Child Support Act could have been predicted. Although, obviously, each of the periods investigated had their own unique characteristics, there were also some striking similarities, at least in relation to why measures to make fathers came about and why they failed. This discussion will be followed by a brief look at the implications of such policies on lone mothers in order to demonstrate that this approach needs replacing once and for all.

This study has show that in the first decade of the twentieth century, the Liberal Government began a process to ensure that fathers paid either affiliation or maintenance. Faced with ever increasing Poor Law expenditure and unable to put up rates, it was hoped that such measures would prevent lone mother families resorting to the guardians for support. In passing the legislation of 1914, the Liberals were also able to demonstrate that despite greater state interference into the family to ensure that children grew up to be fit and healthy, they had no desire to undermine the responsibility of fathers. In any case, they were also under considerable pressure to reform the system of wife and child support because various commissions and committees had forced the subject on to political agenda. However, in common with governments in the interwar years, the Liberals were well aware that the Affiliations Orders Act and the Criminal Justice Administration Act might result in more men being sent to prison for arrears. As this would lead to an increase in expenditure, they were not prepared to act on all the recommendations that had been proposed.

Although the war intensified demands for even stricter measures to make fathers pay, as governments were anxious not to antagonise absent fathers they managed to delay reform. Even though the war had highlighted the plight of lone mother

families and aroused concern about the well-being of their children to a greater degree than in the prewar years, the need to keep up the morale of men, firstly, when fighting and then during the slow process of demobilisation, meant that this was not a period for taking steps to ensure that they met their financial duty to their former families. However, in response to pressure from various organisations, such as the newly established National Council for the Unmarried Mother and Her Child, the Coalition Government did agree to raise the maximum limits, although the amounts did not reflect the huge war time price increases.

Following the economic collapse in 1921, policy makers became less hesitant about compelling fathers to pay. Even though there was still an awareness that this approach would probably not work, growing Poor Law expenditure and Treasury orthodoxy, made the government far more willing to give into the demands of those who wanted to see lone mothers better provided for by absent fathers. As many of the campaigners for these reforms were feminists, and as the women's movement could not so easily be ignored by policy makers in the early 1920s, the legislation that was eventually passed in 1923 and 1925 did meet more of the demands of such women. They also seemed to suit the needs of the then Conservative Government which was determined to achieve balanced budgets. However, as this government also had doubts about the ability of these measures to make fathers pay and therefore reduce the cost of lone mother families on the community, it also instigated other measures in the 1920s which were intended to ensure that if fathers could not, or would not, pay, then other individuals would take on the responsibility by, for example, adopting the children of lone mothers.

By the 1930s, the suspicion that attempts to make fathers pay might fail, was confirmed when prisons became silted up with debtors. This outcome was inevitable, because as we have seen, no amount of legislation to coerce men into paying, or pay more, could make them do so if they were unwilling or could not afford to (which was frequently the case). Because many of them were, as they are today, more likely to be in low paid employment, this outcome had little to

do with the Depression, even though there was some correlation between the numbers imprisoned and unemployment rates. Interwar governments were therefore forced to abandon this policy.

In repeating the same mistake in the 1990s, it would appear that the Conservative Government was unaware of this lesson that was learnt the hard way in the 1920s and 1930s. Or, if they were aware of the inevitability of this outcome, which had after all been the subject of discussion by various government committees on numerous occasions over the years, they perhaps believed that they could succeed where others had failed. The Tories, under Margaret Thatcher, certainly went to more extreme measures to ensure that fathers paid than their counterparts had in the interwar years. Although governments then were presented with proposals very similar to the Child Support Act of 1991, the misogyny of many politicians and civil servants had also made them more reluctant to place too great a burden on men. Thus, even though the need for some kind of measure to prevent lone mothers from burdening ratepayers or taxpayers was common to both periods, attempts to make fathers pay in the later years of the twentieth century were far more radical.

There were also many similarities between these periods ideologically. Although lone motherhood had to an extent become more acceptable in the years immediately before the Conservative Party came to office, this trend was reversed by right-wing moral crusaders. In particular, they were responsible for reinforcing the notion that lone mothers were 'feckless' and the producers of criminal children. This, coupled with the widely held belief that absent fathers were also 'errant' and 'feckless' meant that the new scheme for child support met with overwhelming approval. In 1983 a leaked government paper referred to state support of lone parent families as 'subsidising illegitimacy and immorality'.² At the same time the government began espousing the notion that in view of the supposed moral collapse of society, there was a need to return to Victorian values. The belief that the solution to this crisis could be found by turning the

² Macaskil, 1993, p.44.

clock back had also been prevalent in the first half of the century.³ Thus, in both of these periods the purpose of legislation to make fathers pay was not only economic but also disciplinary – although the latter may spring from the former. In so far as measures were designed to inculcate a sense of responsibility in absent fathers, it was hoped that the institution of the family would not be undermined and social stability threatened. The supposition that there had once been a golden age of the family, and the desire to return to this age, was therefore, a dominant feature in both of these eras. As a consequence of this, attitudes towards lone mothers, then as now, were not dissimilar, nor were the solutions that were sought to the problem. Lone mothers were not unique in being the subject of discourses. Then, as now, the doctrine that it was necessary to return to 'the thrift, independence, self-help and self-reliance of years gone by',⁴ applied to all members of society, even though it was not a philosophy that most poor people could aspire to. As this included absent fathers who, as we have seen, were and remain over-represented in the poorer sections of society, the fundamental reason for the failure of schemes to make them pay rested on the fact that the majority of them were unable to support their former families, even though in many cases they were also unwilling.

The discussion of the Child Support Act in chapter 5 of this thesis, has demonstrated that within just a few years of beginning its operations, the Child Support Agency has failed. It has not only failed to recoup more money for the Treasury, but it has also been unable to make more absent fathers comply with their orders than they were under the previous system. It has also cost more to administer than both the courts and the liable relative section of the Department of Social Security that preceded it cost together. Moreover, although the Conservatives had great faith in the ability of 'Next Steps' agencies to provide more efficient services, the incompetence of the Child Support Agency has proved them wrong in this respect.

³ See, for example, Haste, 1994, p.74; Thane, 1978, p.16.

⁴ Drage, 1930, p.43.

However, the failure of the Child Support Act cannot simply be blamed on the Agency. As we have also seen from this study, it set out to achieve the impossible. The new scheme to make fathers pay ultimately failed for the same reason that measures failed in the interwar years. In addition to absent fathers lack of resources to spread between two households, in the 1920s, Eleanor Rathbone summed-up the other reason for the failure of such schemes when she said 'that if the burden on the man is made too heavy he will evade payment'.⁵ In the 1980s, Eekelaar reiterated this when he said that if 'the state is coercive it can be a deterrent to the debtor to make payments'.⁶ (He also wrote that an 'enforcement system is likely to cost more than it would yield in increased debtor contributions').⁷

Diduck has tried to explain men's reluctance to provide for their former families in greater depth. In particular, she has concluded that when men repartner:

It is almost as though by taking on new responsibilities they have made a choice to found a new family, and concurrently to relinquish control over the old one. The old one is no longer their responsibility: it becomes no one's responsibility and thereby loses its status as family. Thus, in the context of the CSA, absent fathers' frequent references to the welfare of their second families makes sense. ... The others are their *former* families, who, in partnership with ... the CSA, prevent men from 'improving their own lifestyle' or 'supporting a family'.⁸

However, as this study has revealed, it was not necessary to wait until the 1990s to find this out. The reluctance of many men to pay in the first decades of the century was also noted by contemporaries. Judging by the number of letters in Home Office files of the time, absent fathers were also just as vociferous in their protests against measures to compel them to pay. The following example, presumably written by such a man in the mid 1930s, was not untypical:

⁵ Rathbone, 1949, p.76.

⁶ Eekelaar, 1984, p.133.

⁷ Ibid., p.131.

⁸ 1995.

There are many women who simply marry and then separate just to obtain a pension for life. ... Far too much consideration is given to women today, men realize the injustice they have to suffer at the hands of magistrates and resent it and so refuse to pay, the women of today are of an entirely different temperament and outlook to the women of years ago, most of the women today are after something for nothing and they are encouraged in this by the attitude of magistrates, men can see the unfairness and resent it, to my mind there are very few men who would refuse to meet their obligations if they had a fairer deal ... I think if women were made to realize they were separated, they were not entitled to a pension for life, but they had to work, it would go a long way to prevent this continued increase in separation orders.⁹

This letter is also indicative of the resentment many absent fathers felt towards their duty to provide for their former wives in the 1930s. In order to lessen this hostility, this obligation was gradually eroded in later years when 'clean break' settlements were introduced. However, the Conservatives also ignored this lesson when they introduced a carer's element in the formula. Although they insisted that this was not spousal maintenance, it was widely interpreted as such by absent fathers.

Although, the Liberal and Conservative Governments between 1900 and 1940 were more inclined to protect absent fathers because they did not wish to undermine their work incentives or see them subjected to blackmail by women - let alone be exposed as putative fathers - the Conservatives, under Margaret Thatcher, have had fewer reservations. This probably explains why protests by absent fathers in the 1990s were more immediate. Indeed, the ability of men to organise themselves into successful pressure groups against the Child Support Agency enabled them to win many concessions from the government. As a result of this, the government had little choice but to back down and, in conceding to many of the demands of these men, began the process of undermining the promises they had made to taxpayers when the Child Support Act was first launched.

⁹ Letter to the Home Secretary, 24 July 1934, PRO HO45/17927.

By constructing themselves as the victims of the Child Support Agency, the concessions made to absent fathers meant that the majority saw reductions in the amounts they had to pay to their former families. Although this made little difference to the vast majority of lone mothers, because those on income support had any maintenance paid deducted from their benefits pound for pound, the government's recent attempt to recoup some its losses by doubling the benefit penalty will make a large dent in the incomes of such women if they feel unable to co-operate with the Agency. In contrast to absent fathers, the inability of lone mothers to influence the government was also noted in chapter 5. In common with such women in the earlier period, they are politically impotent. Consequently, policy makers have only been informed of what is in their best interests as it has been constructed by the organisations who have claimed to represent them. In the early years of the century, various organisations, such as the National Council for the Unmarried Mother and Her Child and the National Union of Equal Citizenship, were influential in persuading governments that the solution to their plight would be to enforce the private obligations of fathers. This was perhaps not surprising for, at the time, most women's organisations were more concerned to improve the conditions of motherhood, rather than wanting to see women aspire to independence though the labour market on the same terms as men. As Pugh has argued, reforms affecting women in the 1920s were 'calculated to assist and strengthen the mother's role in raising children'.¹⁰ That is why legislation was not passed to address, for example, women's unequal pay, the bar on married women's employment in certain professions, birth control and family allowances.¹¹ The greater influence of equalitarian feminism in the later decades of the century has had serious repercussions for lone mothers. Some of the most influential organisations which helped shape the Child Support Act were dominated by feminists, such as Sue Slipman, the director of the National Council for One Parent Families, who believed that a twin approach of making fathers pay and a Back to Work Strategy were in the best interests of lone mothers.

¹⁰ Pugh, 1992, p.114-p.115.

¹¹ Ibid.

Speaking of women in general, Catherine Hakim has accused these feminists of slanting their data to support their own political agenda:

They are committed to getting equal rights legislation through because it suits their interests as career women. It doesn't concern them that this might not be in the best interests of homemakers.¹²

Indeed, Hakim conducted her own research and found that only a quarter of all women want careers:

There are just as many of us who want to devote our lives to our homes, children and husbands. Academic feminists ... cannot believe that other women don't want careers as much as they do. So when a woman talks about wanting to be a dependent wife, they jump to the condescending conclusion that there's a man pulling her strings.¹³

Although research evidence suggests that lone mothers want to work,¹⁴ there is no reason to suggest that the type of work they want is any different from that which the vast majority of mothers want. In a recent British Social Attitudes Survey, mothers said that they wanted to spend more time looking after their children themselves.

They do not want universal full-time day care but for the large majority the ideal seems to be part-time work until the child goes to school, then work term-time only.¹⁵

New Labour's proposal to encourage lone mothers back into the workplace does not, therefore, seem very appropriate in view of the above. Not only will this be another failure in terms of saving taxpayers money on such families because of the cost of providing child care, training and administering the scheme, but it will also put lone mothers in the unenviable position of having to work twice as

¹² Quoted in *The Guardian*, 2 April 1996.

¹³ Ibid.

¹⁴ See, for example, McKay and Marsh, 1993.

¹⁵ Cited in *New Statesman and Society*, 28 January 1994.

Speaking of women in general, Catherine Hakim has accused these feminists of slanting their data to support their own political agenda:

They are committed to getting equal rights legislation through because it suits their interests as career women. It doesn't concern them that this might not be in the best interests of homemakers.¹²

Indeed, Hakim conducted her own research and found that only a quarter of all women want careers:

There are just as many of us who want to devote our lives to our homes, children and husbands. Academic feminists ... cannot believe that other women don't want careers as much as they do. So when a woman talks about wanting to be a dependent wife, they jump to the condescending conclusion that there's a man pulling her strings.¹³

Although research evidence suggests that lone mothers want to work,¹⁴ there is no reason to suggest that the type of work they want is any different from that which the vast majority of mothers want. In a recent British Social Attitudes Survey, mothers said that they wanted to spend more time looking after their children themselves.

They do not want universal full-time day care but for the large majority the ideal seems to be part-time work until the child goes to school, then work term-time only.¹⁵

New Labour's proposal to encourage lone mothers back into the workplace does not, therefore, seem very appropriate in view of the above. Not only will this be another failure in terms of saving taxpayers money on such families because of the cost of providing child care, training and administering the scheme, but it will also put lone mothers in the unenviable position of having to work twice as

¹² Quoted in *The Guardian*, 2 April 1996.

¹³ Ibid.

¹⁴ See, for example, McKay and Marsh, 1993.

¹⁵ Cited in *New Statesman and Society*, 28 January 1994.

hard as most people for little remuneration. More lone mothers will then find themselves in a similar position to Venessa, a mother of two who

has two part-time jobs - as a shop assistant and a cleaner. Topped up by family credit, her income is £137 a week. After rent, fuel, school dinners, council tax and water rates, she is left with about £50 - just enough for food. She buys clothes at car boot sales and her last holiday was a weekend's camping some years ago.¹⁶

This way of life is remarkably reminiscent of the experiences of lone mothers in the first half of the century when the willingness of the community to support them, as now, was minimal. Although this improved as the twentieth century wore on, but was then reversed by the Thatcher Government, New Labour's proposals for lone mothers shows that they have no intention of undermining their predecessor's principle that such families should not rely on the state for support. This is not altogether surprising for the Labour Government under Tony Blair is also deeply conservative. Having decided that most voters do not want taxes increased, many Labour politicians have now adopted the principle that the poor should be placed under a moral obligation to help themselves. Thus, in common with their Conservative predecessors, and governments in the early years of this century, Labour are also committed to the philosophy that financial responsibility lies with the individual and that the state should only guarantee to offer a safety net when this fails. However, in the case of lone mothers, the Labour Government appears to have decided that they should provide for themselves through paid employment rather than attempting to make them primarily the financial responsibility of the fathers of their children.

Looking back over the twentieth century, it appears that the benefits gained by lone mothers in the decades after the Second World War up and until the early 1980s, were exceptional. Although this period was not covered by this study, it is interesting to note that it was far better to be a lone mother during these decades than it was at the beginning or at the end of the century. As Weeks has

¹⁶ *The Observer*, 8 June 1997.

pointed out, the welfare state in the 1940s was based on the idea of reconciliation.¹⁷ The belief that citizens had a right to claim benefits was even extended to lone mothers and, during the 1970s, benefit increases outstripped rises in wages, and legislation passed in 1977 gave lone mothers access to council accommodation.¹⁸ Although the male breadwinner model was not completely abandoned, nor were attempts to make fathers pay,¹⁹ in comparison to the remainder of the twentieth century this represented a golden age for lone mothers. Even though fathers were just as reluctant to meet their financial obligation, lone mothers were not as pressurised by the courts or the Department of Social Security to help them hound these men, as they are today. Thus, although the experience of lone motherhood did undergo a brief change for the better, as Marsden's study shows some things remained the same:

According to wives it was comparatively easy for men either to lie about their earnings, to give only flat-rate earnings, or only the earnings of their main job. Alternatively, husbands were sometimes able to produce lists of H.P. commitments and purchases of a kind which the wife living on national assistance had not dared or been able to enter into.²⁰

This temporary attenuation in the treatment of lone mother families may also have come about because, by comparison, governments up until the 1970s were not under the same financial constraints as their predecessors, or their successors. This perhaps also explains why proposals to make lone mother families primarily the responsibility of the whole community were discussed - even by the government - in this era.²¹ (Just as they were during another 'abnormal' period in the twentieth century - during the First World War). However, this does not mean that in periods of economic decline governments will always make greater efforts to make fathers pay. Although the findings of this study suggest that this

¹⁷ Weeks, 1989, p.232.

¹⁸ For a more detailed discussion see, for example, Lewis, 1995a; Land and Lewis, 1997; Macaskil, 1993; Marsden, 1969.

¹⁹ For example, the Maintenance Orders Act, 1958, introduced attachment of earnings where failure to pay was due to wilful refusal or culpable neglect; in 1957 the government allowed the courts access to official records to find out an absent fathers address.

²⁰ Marsden, 1969, p.153-p.154.

is perhaps the case, obviously, more research over a longer time span is necessary to demonstrate this conclusively. Although it is noteworthy that other major reforms to the bastardy laws, and the introduction of wife maintenance, took place in the 1870s: another period of economic recession. Thus, although the system of child support throughout the twentieth century has undergone some changes, these have only taken place within narrow limits. While the first half and the final decades of the century were, and are, characterised by attempts to shift the responsibility for lone mother families onto individual fathers wherever possible, the pendulum swung a little towards the state in the years in between.

The treatment of lone mother families has also been subject to change. Despite the gains made by lone mothers in the decades preceding the 1980s, this trend has once again been reversed, although, as yet, they are not expected to enter a workhouse. However, their current low standard of living is set to decline further. Even though lone mothers are over-represented in the poorest 10 per cent of the population,²² New Labour intends to continue the process of impoverishing them further which the Conservative Government began in the 1980s when it overhauled the social security system. As from 1998, new lone mothers will no longer be entitled to the lone parent premium when their income support entitlement is calculated. Consequently, they will fall deeper into poverty. As will their children, which seems particularly unjust given the Conservative Government's rhetoric of 'putting children first'. How they will manage on such low levels of benefits is unclear because, as Baroness Hollis has pointed out, at the present time lone mothers on benefit

receive £2 per day per child - the price of a hamburger, to feed, clothe and keep her child warm.²³

Because this state of affairs is intolerable, it is surprising that more academics have not opened up the limits of the debate and put forward alternative

²¹ See Finer 1974.

²² Clarke *et al.* 1993, p.8-p.9.

²³ HL, *Parliamentary Debates*, 9 February 1994, col.1673.

suggestions to deal with the problem of lone motherhood. Although this is not the kind of study that governments would necessarily wish to fund, Benn has argued for a return to the kind of feminism as practised by Mary Wollstonecraft who

had a passionate and concrete set of concerns, about bread and housing, the living conditions of servants and children. She saw the corroding effect of inequality all around her. She lived with the degradations of a genteel poverty. And she understood that politics is central to the human condition.²⁴

Benn also argues that the problem with feminism today is that

acclaimed feminists of our time are largely created and sustained through the media rather than a political movement, and on the whole reflect that patronage: they write about culture, not politics. They write less about the world than about *reflections* on the world.²⁵

Of the few authors who have recently addressed the problem from a wider perspective are Eekelaar and Maclean.²⁶ They have argued for state support of lone mother families. Although they are aware that this would be objected to on the grounds of cost, and on the grounds that it might be an incentive to family breakdown and a disincentive to family reconstruction, they are not convinced 'that parents will be induced to separate by modest economic attractions'.²⁷ However, these authors are also aware that this will not be a discussion for political debate because there 'is a view that no member of a community owes any obligation in justice to less well-off members'.²⁸

However, just because current thinking on lone mother families is dominated by the discourses of authors such as, Murray,²⁹ and Dennis and Erdos,³⁰ this is

²⁴ Benn, 1996, p.31.

²⁵ Ibid.

²⁶ 1986.

²⁷ Ibid., p.112.

²⁸ Ibid. p.96-p.97.

²⁹ 1990.

³⁰ 1993.

insufficient reason to abandon attempts to find alternative solutions, even though they may prove to be as futile as similar efforts were in the early part of the century. After all, Sidney Webb's argument for the endowment of motherhood is just as applicable today:

We shall have to face the problem of the systematic endowment of motherhood, and place this most indispensable of all professions upon an honourable basis. At present it is ignored as an occupation, unremunerated, and in no way honoured by the State.³¹

Pedersen³² has explained why the campaign for the endowment of motherhood failed in the first half of the century. She argues that one of the primary reasons why it was rejected, other than because of its costs, was because this proposal made those responsible for shaping legislation more determined to defend the male breadwinner model. Such a proposal was also clearly unthinkable at a time when many people, including politicians, viewed the lower social classes with considerable contempt. Although eugenicism may no longer exist officially, there are probably many people today who would feel the same way as Ellis did in the 1930s about the endowment of motherhood, and for the same reasons:

To endow the reckless and indiscriminate motherhood which we see all around us, to encourage it, that is, by State aid, the production of citizens a large proportion of whom the State, if it dared, would like to destroy as unfit, is too ridiculous a proposal to deserve discussion.³³

However, unless the decline of full-time employment and the growth of part-time, insecure work is halted - as well as the widening gap between the rich the poor - the day may yet come when society has little alternative but to adjust its way of thinking about welfare. Recent research by nutritionists, paediatricians, academics and even by the government itself has shown the re-emergence of malnutrition in Britain on a scale similar to that in the 1930s. As we have seen,

³¹ Quoted in Ellis, 1937, p.513.

³² 1993.

³³ Ellis, 1937, p.513.

it was primarily concerns about the health of children which forced the subject of the endowment of motherhood onto the political agenda in the first half of the century. As this may happen in the future, new proposals for supporting the poor will need to be ready and waiting. Atkinson has started on this work by outlining his proposal for a citizens income. Under this scheme, the escape from poverty will no longer depend on a person's access to the labour market but, instead, it will be conditional on their 'participation' in society. Atkinson states that the definition of 'participation' would include 'people at work, those retired, sick or unemployed; in education or training; and caring for dependants'³⁴.

Clearly, it has to be hoped that such a scheme comes about, and not least because Beveridge's welfare state, which was based on the principle of insurance, is no longer applicable to conditions in the late twentieth century. Although a citizens income would obviously not be a cheap solution to problem of poverty in our society, there would perhaps be less wastage of taxpayers money than under many of current schemes for social support. After all, millions of pounds have been thrown at the Child Support Agency to little effect and further research of this kind might find that a great deal more money is also being wasted on similar agencies and government departments. Furthermore, universal benefits are far cheaper to administer than means-tested ones not only in terms of man hours but also because of the technology that is required to calculate them. As discovered in the course of this study, the cost of replacing the Child Support Agency's computer system, which is already inadequate to deal with task before it, threatens to wipe out all the savings that have been made since the Agency began its work. As this is likely to recur again in a few years, and is probably not a phenomenon that is unique to this administrative machine, there is a clear case for investigating the better use of taxpayers money.

Because the provision of a citizen's income is dependent on participation in society, it will not lead to an increase in dependency. On the contrary, it will reverse the current pattern whereby there are vast numbers of mothers

³⁴ This proposal was recently outlined in *The Observer*, 8 June 1997.

shouldering a double burden of unpaid and remunerated work, in contrast to ever increasing numbers of unemployed men. This is not to suggest that child care should be undertaken by women and paid employment by men, it is simply to suggest that in these days of declining work opportunities, it would make more sense for the state to pay a parent to look after children rather than continue with the process whereby the work load is unequally distributed within society. If such a policy should lead to greater numbers of lone mother families, which will not necessarily be the case, this does not have to be bad for children. If marital breakdown and unmarried motherhood is more likely to occur amongst the poorest sections of the community, then this suggests that monetary problems may, in part, be responsible for the formation of such families. Studies have shown that the high rate of lone motherhood within the Afro-Caribbean community is the result of the inability of black men to support their families, because they are more likely to be unemployed than other men, as opposed to being more irresponsible.³⁵ Thus, if a citizen's income ensures that wealth is more equally distributed in society, there may even be a decline in the numbers of lone mother families. Moreover, the levels of crime may be reduced. This is not because the children of such families are responsible for the current crime wave. The claim that there is a correlation between these two variables is unfounded, not only because academic research has been unable to prove it, but also because of the very nature of single parenthood. The population of lone mothers is fluid: women move in and out of this condition, only spending an average period 35 months as lone mothers. It is therefore impossible to compare their offspring with those of the married population at any one given time.³⁶ In contrast to this, some studies have demonstrated a link between crime and poverty, alienation and boredom.³⁷ Others have blamed criminal behaviour today on the ethos of individualism:

The mass media parades the glittering prizes of the haves daily in front of the have-nots ... Inequality is no longer concealed, it is

³⁵ See, for example, Fisher *et al.*, 1986.

³⁶ Ermish in Murray, 1990, p.45.

³⁷ Dickinson, 1994, p.21.

flaunted. The social script that the market provides does not hold society together, it actually encourages it to fall apart.³⁸

A citizen's income would therefore be more than a good thing. However, as it is probably idealistic to expect that it will ever come about, effort should also perhaps be devoted to putting forward the proposal that in the light of the CSA's failure, we may as well return to the court based system under which the previous maintenance scheme was administered. After all, the evidence here shows that this met with similar compliance rates to the Child Support Agency but, in contrast to the latter, was cheaper to run. It was also better for children because fathers were left with enough money to give them the occasional treat. As Bainham says, 'decent health, adequate housing, proper child care facilities, and a decent income are the real "basics" of family life'.³⁹

³⁸ Mooney and Young, 1994, p.38.

³⁹ Bainham, 1995, p.243.

BIBLIOGRAPHY

Unpublished Sources

- Public Record Office - Classes of Documents Examined:

AST 7	Assistance Board General Files.	1910-1968
C 211	Chancery: Petty Bag Office: Commissions and Inquisitions of Lunacy.	1627-1932
CAB 26	Cabinet Office Home Affairs Committee.	1918-1939
ED 121	Education Department and Successors: External Relations: General Files.	1871-1971
HLG 32	Local Government Financial Statistics.	1862-1974
HO 45	Home Office Registered Papers.	1839-1939
HO 167	Home Office: Bills and Provisional Orders Entry.	1899-1921
LCO 2	Lord Chancellor's Office Registered Files.	1882-1974
MH 50	Lunacy Commission and Board of Control Minutes, etc.	1845-1960
MH 52	Public Health and Public Services Local Authority Correspondence.	1913-1966
MH 55	Public Health Services.	1853-1969
HM 57	Public Assistance Files and Correspondence.	1907-1935
MH 68	Poor Law Authorities.	1904-1933
MH 80	Bill Papers.	1885-1873
MH 130	Social Welfare.	1938-1965
PIN 8	Social Insurance and Allied Services (Beveridge Report) Files.	1939-1946
PIN 15	War Pensions.	1901-1973
PIN 50	Contributory Pension Appeals: Umpire Decisions.	1946-1948

- All-Party Parliamentary Child Support Agency Monitoring Group, House of Commons, Papers and Correspondence, January-May 1994.

General List

Ait, J.E. (1997), *The Politics of Economic Decline*, Cambridge: Cambridge University Press

Abbott, David (1996), 'The Child Support Act, 1991: the lives of parents with care living in Liverpool', *Journal of Social Welfare and Family Law*, 18(1), p.21-p.36

Alcock, Peter (1984), 'Remuneration or Remarriage? The Matrimonial and Family Proceedings Act 1984', *Journal of Law and Society*, Vol. 11, No.3, Winter, p.335-p.365

Allen-Jones, J.E. (1938), 'The Poor Man's Lawyer: A Survey', *Social Service Review*, April, p.62-p.65

Anderson, Michael (1994), 'Today's Families in Historical Context', *Family and Parenthood Seminar Papers*, York: Joseph Rowntree Foundation

Bainham, Andrew (1995), 'Family Law in a Pluralistic Society', *Journal of Law and Society*, Vol. 22, Number 2, June, p.234-p.247

Barker, R. (1997), *Political Ideas in Modern Britain*, London: Routledge

Barton, Chris and Douglas, Gillian (1995), *Law and Parenthood*, London: Butterworths

Benn, Melissa (1996), 'Contented, complacent women', *New Statesman*, 22 November

Binion, Rudolph (1994), 'Fiction as Social Fantasy: Europe's Domestic Crisis of 1879-1914', *Journal of Social Policy*, Summer

Blacker, C.P. (ed.), (1937), *A Social Problem Group?*, London: Oxford University Press

Bland, Lucy (1982), "'Guardians of the race', or 'Vampires upon the nation's health'?: female sexuality and its regulation in early twentieth century Britain", in Whitelegg, E. et al. *The Changing Experience of Women*, Milton Keynes: Open University Press

Blom-Cooper, L.J. (1956a), 'The Royal Commission on Marriage and Divorce: Family Dependants and their Maintenance', *The Modern Law Review*, Vol. 19

Blom-Cooper, L.J. (1956b), 'Separation Agreements and Divorce', *The Modern Law Review*, November

Boden, Rebecca and Childs, Mary (1996), 'Paying for Procreation: Child Support Arrangements in the UK', *Feminist Legal Studies*, Vol. IV, No. 2, p.133-p.157

Booth, Alan and Glynn, Sean (1979), 'The Public Records and Recent British Economic Historiography', *The Economic History Review*, Second Series, Vol. xxxii, No. 3, August

Bosanquet, Helen, (1909), *The Poor Law Report of 1909: A Summary Explaining the Defects of the Present System and the Principal Recommendations of the Commission, so far as relates to England and Wales*, London: Macmillan

- Bosanquet, Helen, (1915), *The Family*, London: Macmillan
- Bowerman, E.E. (1933), *The Law of Child Protection*, London: Pitman
- Bowlby, John (2nd ed. 1969), *Attachment and Loss*, Volume 1, London: Hogarth Press
- Bowley, A.L. (ed.), (1944), *Studies in the National Income 1924-1938*, Cambridge: Cambridge University Press
- Branson, Noreen and Heinemann, Margot (1971), *Britain in the Nineteen Thirties*, London: Weidenfeld and Nicolson
- Braybon, Gail (1989), *Women Workers in the First World War*, London: Routledge
- Brookes, Barbara (1988), *Abortion in England 1900-1967*, Beckenham: Croom Helm
- Brophy, Julia and Smart, Carol (eds.), (1985), *Women-in-Law: Explorations in Law, Family and Sexuality*, London: Routledge and Kegan Paul
- Brown, Joan C. (1988), *In Search of a Policy: the rationale for social security provision for one parent families*, London: National Council for the One Parent Family
- Burgoyne, Carole and Millar, J. (1994), 'Enforcing Child Support Obligations: the Attitudes of Separated Fathers', *Policy and Politics*, Spring
- Burk, K. (1982), *War and the State: The Transformation of British Government, 1914-1919*, London: Allen and Unwin

Carnegie United Kingdom Trust, The (1943), *Disinherited Youth: A Report on the 18+ Age Group Enquiry Prepared for the Trustees of the Carnegie United Kingdom Trust*, Edinburgh: Edinburgh University Press

Cassetty, Judith (1978), *Child Support and Public Policy: Securing Support from Absent Fathers*, Massachusetts: Lexington Books

Chapman, Cecil (1925), *The Poor Man's Court of Justice: twenty-five years as a Metropolitan Magistrate*, London: Hodder and Stoughton

Charmley, J. (1996), *A History of Conservative Politics, 1900-1996*, London: Macmillan

Chesser, Eustace (1956), *The Sexual, Marital and Family Relationships of the English Woman*, Hutchinson's Medical Publications

Clarke, John J. (1935), *Social Administration including the Poor Laws*, London: Pitman

Clarke, K. Craig, G. Glendinning, C. with Thompson, M. (1993), *Children Come First?: The Child Support Act and Lone Parent Families. A research project*, London: Barnardo's

Clarke Hall, W. (1917), *The State and the Child*, London: Headley Bros.

Clements, Richard (1938), 'National Health Insurance. Twenty-five Years Progress', *Social Service Review*, p.130-p.135

Cohn, E.J. (1943), 'Legal Aid for the Poor: A Study in Comparative Law and Legal Reform', *The Law Quarterly Review*, July, p.250-p.377

Cole, G.D.H. (1939), 'The Sweated Worker -1939', *Social Service Review*. January, p.3-p.8

- Cole, Margaret (1939), *Marriage Past and Present*, London: J.M. Dent
- Cooter, Roger (ed.) (1992), *In the Name of the Child: Health and Welfare, 1880-1940*, London: Routledge
- Cretney, Stephen M. (1997), *Family Law*, London: Sweet and Maxwell
- Cretney, S. M. and Masson, J. M. (1997), *Principles of Family Law*, London: Sweet and Maxwell
- Crowther, Anne (1988), *Social Policy in Britain 1914-1939*, London: MacMillan Education
- Crowther, M.A. (1981), *The Workhouse System 1834-1929*, London: Batsford Academic and Educational Ltd.
- Crowther, M.A. (1982) 'Family responsibility and state responsibility in Britain before the welfare state', *The Historical Journal*, 25, 1, p.131-p.145
- Daniel, P. and Burgess, E. (1994), *The Child Support Act: The Voice of Low Income Parents with Care*, London: Social Responsibility Department, Diocese of Southwark
- Davies, Rhys J. (1923), *Widowed Mother's Pensions*, London: TUC and the Labour Party
- Davies, Steven (1991), 'Towards the Remoralization of Society', in M. Loney et al., *The State or the Market: Politics and Welfare in Contemporary Britain*, London: Sage
- Davin, A (1978), 'Imperialism and Motherhood', *History Workshop Journal*, Issue 5, Spring

Deacon, Alan (1976), *In Search of the Scrounger: The Administration of Unemployment Insurance in Britain 1920-1931*, London: G. Bell and Sons

Dennis, Norman and Erdos, George (2nd ed. 1993), *Families Without Fatherhood*, London: IEA Health and Welfare Unit

Dewar, Diana (1968), *Orphans of the Living: A Study of Bastardy*, London: Hutchinson

Dickinson, D. (1994), 'Criminal Benefits', *New Statesman and Society*, 14 January, p.20-p.21

Diduck, Alison (1995), 'The Unmodified Family: The Child Support Act and the Construction of Legal Subjects', *Journal of Law and Society*. Vol. 22, No. 4, December, p.527-548

Digby, Anne and Stewart, John (1996), *Gender, Health and Welfare*, London: Routledge

Dingwall, R. Eekelaar, J.M. and Marray, T. (1984), 'Childhood as a Social Problem: A Survey of the History of Legal Regulation', *Journal of Law and Society*, Summer, Vol. II, No. 2,

Donzelot, J. (1980), *The Policing of Families*, London: Hutchinson

Drage, Geoffrey (1930), *Public Assistance*, London: John Murray

Dundas White, James (1920), 'Legitimation by Subsequent Marriage', *The Law Quarterly Review*, No. CXLIII, p.255-p.267

Dwork, D. (1987), *War is Good for Babies and Other Young Children*. London: Tavistock

Dyhouse, Carol (1989), *Feminism and the Family in England 1880-1939*, Oxford: Basil Blackwell

Eekelaar, John (1984), *Family Law and Social Policy*, London: Weidenfeld and Nicolson

Eekelaar, John and Maclean, Mavis (1986), *Maintenance After Divorce*, Oxford: Clarendon Press

Eldridge, J. (ed.) (1993), *Getting the Message. News, Truth and Power*, London: Routledge

Esping-Andersen, G. (1990), *The Three Worlds of Welfare Capitalism*, Cambridge: Polity Press

Finch, Janet (1990), 'Feminist research and social policy' in McLean, M. and Groves, D. *Women's Issues in Social Policy*, London: Routledge

Finer, M. and McGregor, O.R. (1974), 'The History of the Obligation to Maintain', Appendix 5, *Report of the Committee on One-Parent Families*, Vol. 2, Cmnd, 5629-1, London: HMSO

Finlayson, G. (1994), *Citizen, State and Social Welfare in Britain 1830-1990*, Oxford: Clarendon Press

Fisher, G. Joseph, D. and Ward, P. (1986), *Black Single Mothers in Brent: Some Issues, Policies and Responses*, London: Black Workers Support Group

Flynn, N. (1997), *Public Sector Management*, Hemel Hempstead: Prentice Hall

Ford, P. (1939), *Incomes, Means Tests and Personal Responsibility*, London: P. S. King

Ford, P. and Ford, G. (1957), *A Breviate of Parliamentary Papers 1900-1916: The Foundation of the Welfare State*, Oxford: Basil Blackwell

Ford, Reuben and Millar, Jane (1997), 'Private lives and public responses: lone parenthood and future policy', *Foundations*, July, York: Joseph Rowntree Foundation

Forrest, G.A. (1940), 'Desertion as a Matrimonial Offence', *Modern Law Review*, January

Foucault, M. (1973), *The Order of Things: An archaeology of the human sciences*, New York: Vantage Books

Foucault, M. (1971), *Madness and Civilisation: A History of Insanity in the Age of Reason*, London: Tavistock

Foucault, M. (1977), *The Archaeology of Knowledge*, London: Tavistock

Foucault, M. (1977), *Discipline and Punish: The birth of the prison*, London: Allen Lane, Penguin Press

Francis, Martin and Zweiniger-Barielowska, Ina (eds.), (1996), *The Conservatives and British Society 1880-1990*, Cardiff: University of Wales Press

Fraser, Derek (1984), *The Evolution of the British Welfare State*, Basingstoke: Macmillan

Freeman, Michael (ed.), (1984), *State, Law and the Family*, London: Tavistock

Freundlieb, Dieter (1994), 'Foucault's Theory of Discourse and Human Agency', in Jones, C. and Porter, R. (eds.), *Reassessing Foucault: Power, Medicine and the Body*, London: Routledge

Garnham, A. and Knights, E. (1994), *Putting the Treasury First: The Truth about Child Support*, London: Child Poverty Action Group

Garside, W.R. (1980), *Measuring Unemployment: methods and sources in Great Britain 1850-1979*, Oxford: Blackwell

George, V. and Wilding, P. (1985), *Ideology and Social Welfare*, London: Routledge and Kegan Paul

Giddens, Anthony (1990), *The Consequences of Modernity*, Cambridge: Polity Press

Gilbert, Bentley B. (1966), *The Evolution of National Insurance in Great Britain: the Origins of the Welfare State*, Aldershot: Gregg Revivals

Giles, Judy (1992), '"Playing Hard to Get": working-class women, sexuality and respectability in Britain, 1928-1949', *Women's History Review*, Vol. 1, No. 2, p.239-p.255

Giles, Judy (1995), *Women, Identity and Private Life in Britain, 1900-1950*, Basingstoke: Macmillan

Gillis, John, R. (1985), *For Better, for Worse: British Marriages, 1600 to the Present*, Oxford: Oxford University Press

Gittens, D. (1982), *Fair Sex: Family Size and Structure, 1900-1939*, London: Hutchinson

Gittins, Diana (1993), *The Family in Question: Changing Households and Familiar Ideologies*, Basingstoke: Macmillan

Glendinnig, C., Clarke, K., and Craig, G. (1995), 'The impact of the Child Support Act on lone mothers and their children', *Journal of Child Law*, Vol. 7, No. 1, p.18-p.25

Glendinnig, C., Clarke, K., and Craig, G. (1997), 'Implementing the Child Support Act', *Journal of Social Welfare and Family Law*, Vol. 18, No. 3, p.273-p.289

Gloversmith, Frank (ed.) (1980), *Class, Culture and Social Change: A View of the 1930s*, Brighton: Harvester Press

Glucksmann, Miriam A. (1995), 'Some Do, Some Don't (But in Fact They All Do Really); Some Will, Some Won't; Some Have, Some Haven't: Women, Men, Work, and Washing Machines in Inter-War Britain', *Gender and History*, Vol. 7, No. 2, August, p.275-p.294

Graham, David (1994), 'Female employment and infant mortality: some evidence from British Towns, 1911, 1913 and 1951', *Continuity and Change*, 9 (2), p.313-346, Cambridge: Cambridge University Press

Graham, J. Edward (1922), *The Law Relating to the Poor and to Parish Councils*, Edinburgh: William Hodge

Graham-Dixon, Sue (1981), *Never Darken my Door: Working for single parents and their children 1918-1978*, London: NCFUM&HC

Graves, Robert and Hodge, Alan (1940), *The Long Weekend: A Social History of Great Britain 1918-1939*, London: Faber and Faber

Graveson, R. H. and Crane, F. R. (eds.), (1957), *A Century of Family Law 1857-1957*, London: Sweet and Maxwell

Green, Marjorie E. (1939), 'The Case for Family Allowances', *Social Service Review*, February, p.45-p.51

Greenwood, Walter (1984 edition), *Love on the Dole*, London: Penguin

Grundy, S. P. (1929), 'Social Service Finance', *Social Service Review*, February, p.27-p.31

Hall, S. (1979), 'The great moving right show', in S. Hall and M. Jacques (eds.), *The Politics of Thatcherism*, London: Lawrence and Wishart

Harris, B. (1995), *The Health of the Schoolchild*, Milton Keynes: Open University Press

Harris, José (1992), 'Political Thought and the Welfare State 1870-1940: an intellectual framework for British social policy', *Past and Present*, No. 135, p.117-p.141

Harris, José (1993), *Private Lives, Public Spirit: a social history of Britain 1870-1914*, Oxford: Oxford University Press

Harris, S. W. (1933), 'The New Children Act', *Social Service Review*, p.173-p.179

Harrison, B (1978), *Separate Spheres: The Opposition to Women's Suffrage in Britain*, London: Croom Helm

Harrison, B. (1996), *The Transformation of British Politics 1860-1995*, Oxford: Oxford University Press

Haskey, J. (1993), 'Trends in the Numbers and Demographic Characteristics of One-parent Families in Great Britain', *Population Trends*, 71, Spring

- Haste, Cate (1994), *Rules of Desire: sex in Britain World War 1 to the present*, London: Pimlico
- Havelock, Ellis (1937), *Sex in Relation to Society*, London: William Heinemann
- Hayes, Mary (1983), 'Maintenance Defaulters: Are Poor Men Wrongfully Sent to Prison?', *Family Law*, Vol. 13, p.243-p.248
- Henriques, U. (1967), 'Bastardy and the New Poor Law', *Past and Present*, No. 37, July
- Herbert, A.P. (1937) *The Ayes Have it*, London: Methuen and Co. Ltd.
- Hewitt, P. and Leach, P. (1993), *Social Justice, Children and Families*, London: Institute for Public Policy Research
- Hogg, Margaret H. (1921), 'Dependants on Women Wage-Earners', *Economica*, January
- Hopkirk, Mary (1949), *Nobody Wanted Sam: the story of the unwelcomed child, 1530-1948*, London: John Murray
- Humphries, Steve and Gordon, Pamela (1994), *A Labour of Love: The Experience of Parenthood in Britain 1900-1950*, London: Sidgwick and Jackson
- Institute for the Scientific Treatment of Delinquency (1938), 'The Scientific Treatment of Delinquency', *Social Service Review*, October, p.169-p.172
- Jarvis, David (1994), 'Mrs Maggs and Betty: The Conservative Appeal to Women Voters in the 1920s', *Twentieth Century British History*, Vol. 5, No. 2, p.129-p.152

Jenks, Edward (1928), 'Recent Changes in Family Law', *The Law Quarterly Review*, July, No. CLXXV

Jennings, W. Ivor (1929), 'Local Government Law', *The Law Quarterly Review*, No. CC1

Jolly, Doris E.P. (1936), 'The Infant Welfare Movement', *Social Service Review*, August, p.131- p.133

Jordanova, Ludmilla (1994), 'The History of the Family: Cultural Perspectives', *Family and Parenthood Seminar Papers*, York: Joseph Rowntree Foundation

Kammerer, Percy Gamble (1969 ed), *The Unmarried Mother: a study of five hundred cases*, Publication No. 58, Patterson Smith Reprint Series in Criminology, Law Enforcement and Social Problems (originally published in 1918 as part of the Criminal Monograph Series of the American Institute of Criminal Law and Criminology), New Jersey: Patterson Smith

Kean, Hilda (1994), 'Searching for the Past in Present Defeat: the construction of historical and political identity in British feminism in the 1920s and 1930s', *Women's History Review*, Vol. 3, No. 1, p.57-p.80

Kitchen, S.B. (1912), *A History of Divorce*, London: Chapman and Hall

Knights, E. and Cox, S. (1997), *Child Support Handbook 1997/98*, London: Child Poverty Action Group

Knights, E. (1997), 'Child Support Update', *Family Law*, Vol. 27, p.345-p.349

Kuhn, Thomas (1970), *The Structure of Scientific Revolutions*, Chicago: Chicago University Press

Land, Hilary (1975), 'The Introduction of Family Allowances: an act of historic justice?', in Hall, P. Parker, R. and Webb, A. *Change, Choice and Conflict in Social Policy*, p.157-p.230, London: Heinemann

Laslett, P, Oosterveen, K. Smith, R. et al. (eds.), (1980), *Bastardy and its Comparative History*, London: Edward Arnold

Law Reports, (1914, 1918, 1920, 1923, 1925, 1935), *The Public General Statutes*, London: Council of Law Reporting

Le Grand and Bartlett, W. (1993), *Quasi-Markets and Social Policy*, London: Macmillan

Lessnoff, M. (1974), *The Structure of Social Science*, London: Allen and Unwin

Levitas, Ruth (ed.), (1986), *The Ideology of the New Right*, Cambridge: Polity Press

Lewis, Jane (1980), *The Politics of Motherhood: child and maternal welfare in England 1900-1939*, London: Croom Helm

Lewis, Jane (1984), *Women in England 1870-1950*, London: Harvester Wheatsheaf

Lewis, Jane (1991), 'Models of equality for women: the case of state support for children in twentieth century Britain', in Bock, Gisela and Thane, Pat (eds.), *Maternity and Gender Policies: Women and the Rise of the European Welfare States, 1880s-1950s*, London: Routledge

Lewis, Jane (1994), 'Gender, the family and women's agency in the building of "Welfare States": the British case', *Social History*, Vol. 19, No. 1, January, p.37-p.55

Lewis, Jane (1995a), 'The Problem of Lone Mother Families in Twentieth Century Britain', *Welfare State Discussion Programme*, No. WSP/114, London: LSE

Lewis, Jane (1995b), *The Voluntary Sector, the State and Social Work in Britain: The Charity Organisation Society/Family Welfare Association since 1869*, Aldershot: Edward Elgar

Lewis, Jane (1987), 'Constructions of Unmarried Motherhood in Britain in the Post-War Period', in Kiernan, Land and Lewis, *From Footnote to Frontpage: Lone Mothers in Twentieth Century Britain*, Milton Keynes: Open University Press

Lewis, J., Clark, D. and Morgan, D. (1995), *Whom God Hath Joined. The work of marriage guidance, 1920-1990*, London: Routledge

Lieck, Albert (1928), *Lushington's Law of Affiliation and Bastardy* (5th Edition), London: Butterworth and Co.

Lister, Ruth (1990), *The Exclusive Society: Citizenship and the Poor*, London: Child Poverty Action Group

Llewellyn Davies, Margaret (1978 edition), *Maternity, Letters from Working Women*, London: Virago

Lowe, R. (1993), *The Welfare State in Britain since 1945*, London: Macmillan

Lyotard, Jean-François (1985), *The Post-Modern Condition*, Minneapolis: University of Minnesota Press

Macaskil, Hilary (1993), *From the Workhouse to the Workplace: 75 years of one-parent family life 1918-1993*, London: National Council for One Parent Families

Maclean, Mavis (1994), 'The Making of the Child Support Act 1991: Policy Making at the Intersection of Law and Social Policy', *Journal of Law and Society*, Vol. 21, No. 4, December, p.505-p.519

Macnicol, John (1980), *The Movement for Family Allowances 1918-1945*, London: Heinemann

Mannheim, Hermann (1940), *Social Aspects of Crime in England Between the Wars*, London: Allen and Unwin

March, Norah (1933), 'The History of the Infant Welfare Movement', *Social Service Review*, June, p.94-p.99

Marsden, Dennis (1969), *Mothers Alone: Poverty and the Fatherless Family*, London: Allen Lane and Penguin Press

Marwick, Arthur (1991 edition), *The Deluge: British Society and the First World War*, Basingstoke: Macmillan

Marwick, Arthur (1995), 'Two Approaches to Historical Study: The Metaphysical (including 'Postmodernism') and the Historical', *Journal of Contemporary History*, Vol. 30, p.5-p.35

McBriar, A.M. (1987) *An Edwardian Mixed Doubles: The Bosanquets versus the Webbs. A Study in British Social Policy 1890-1929*, London: Clarendon Press

McGregor, O.R. (1957), *Divorce in England*, London: Heinemann

McGregor, O.R., Bloom-Cooper, Louis and Gibson, Colin, (1970), *Separated Spouses*, London: Gerald Duckworth

McIlwraith, Malcolm (1917), 'Separation and Divorce', *The Law Quarterly Review*, No. CXXXI, p.335-p.341

McIlwraith, Malcolm (1921), 'Divorce Law Reform', *The Law Quarterly Review*, No. CXLVIII, p.433-p.487

McLaren, Angus (1993), 'Illegal Operations: Women, Doctors and Abortion, 1886-1936', *Journal of Social History*, Vol. 26, No. 4

Medawar, P. (1984), *Pluto's Republic*, Oxford: Oxford University Press

Merquior, J.G. (1991), *Foucault*, London: Fontana Press

Middleton, Nigel (1971), *When Family Failed. The Treatment of Children in the Care of the Community during the First Half of the Twentieth Century*, London: Victor Gollancz

Middleton, R. (1996), *Government versus the Market*, Cheltenham: Edward Elgar

Millar, J. (1989a), *Poverty and the Lone Parent Family: The challenge to social policy*, Aldershot: Avebury

Millar, J. (1989b), 'Social security, equality and women in the U.K.', *Policy and Politics*, Vol. 17, No. 4, p.311-p.319

Millar, J. (1994a), 'Lone parents and social security policy in the UK', in Bladwin, S. and Flakingham, J. (eds.), *Social Security and Social Change*, Hemel Hempstead: Harvester Wheatsheaf.

Millar, J. (1994b), 'State, family and personal responsibility: The changing balance for lone mothers in the UK', *Feminist Review*, 48, Autumn. 24-39

Millar, J. and Whiteford, P. (1993), 'Child Support in Lone-Parent Families: Policies in Australia and the UK', *Policy and Politics*, Vol. 21, No. 1

Millar, N. (1992), *Single Parents by Choice*, London: Insight Books

Mooney, Jane and Young, Jock (1993), 'Criminal Deception', *New Statesman and Society*, 17 December, p.36-p.38

Morris, Jenny (ed.) (1992), *Alone Together: Voices of Single Mothers*, London: The Women's Press

Mullins, Claud (1933), 'Imprisonment for Debt', *Justice of the Peace and Local Government Review*, April

Murray, C. (1984), *Losing Ground. American social policy, 1950-1980*, New York: Basic Books

Murray, C. (1990), *The Emerging British Underclass*, London: IEA Health and Welfare Unit

National Association of Citizens Advice Bureaux (1994), *Child support: one year on*, London: National Association of Citizens Advice Bureaux

National Birth-Rate Commission, (1916), *The Declining Birth-Rate: its causes and effects*, London: Chapman and Hall

National Brith-rate Commission, (1920), 'Problems of Population and Parenthood', *2nd Report and Chief Evidence Taken by the National Birth-Rate Commission, 1918-1920*, London: Chapman and Hall

National Council for One Parent Families (1994), *The Child Support Agencies First Year: The Lone Parent Case*, London: National Council for One Parent Families

National Council for the Unmarried Mother and Her Child, (1924), *The Unmarried Mother and Her Child*, London: NCFUM&HC

National Council for the Unmarried Mother and Her Child (1919-1941), *Annual Reports*, London: NCFUM&HC

Nicholson, Jill (1968), *Mother and Baby Homes: A Survey of Homes for Unmarried Mothers*, London: George Allen & Unwin

Nielson, J.M. (ed), (1990), *Feminist Research Methods, Exemplary Readings in the Social Sciences*, London: Westview Press

O'Donovan, Katherine (1985), *Sexual Divisions in Law*, London: Weidenfeld and Nicolson

Offer, Avner (1981), *Property and Politics*, Cambridge: Cambridge University Press

Orwell, George (1989), *The Road to Wigan Pier*, London: Penguin

Pankhurst, E. Sylvia (1897 edition), *The Home Front*, London: The Cresset Library

Parker, Roy (1990), *Away from Home. A History of Child Care*, London: Barnardo's

Pearson, R. and Williams, G. (1984), *Political Thought and Public Policy in the Nineteenth Century: An Introduction*, London: Longman

Peden, G.C. (1993), 'The Road to and from Gairloch: Lloyd George, Unemployment, Inflation, and the "Treasury View" in 1921', *Twentieth Century British History*, Vol. 4, No. 3, p.224-p.249

Pedersen, S. (1993), *Family Dependence and the Origins of the Welfare State*, Cambridge: Cambridge University Press

Pember-Reeves, Maud (1984), *Round About a Pound a Week*, London: Virago

Pennington, Shelley and Westover, Belinda (1989), *A Hidden Workforce: Homeworkers in England, 1850-1985*, London: Macmillan

Pinchbeck, I and Hewitt, M (1973), *Children in English Society*, London: Routledge and Kegan Paul

Priestley J.B. (1970), *The Edwardians*, London: Heinemann

Pringle, Rosemary (1988), *Secretaries Talk*, London: Verso

Pugh, Martin (1992), *Women and the Women's Movement in Britain 1914-1959*, Basingstoke: Macmillan

Pugh, M. (1994), *State and Society: British Political and Social History 1870-1992*, London: Edward Arnold

Ramazanaglu, C. (1993), *Up Against Foucault: Explorations of some tensions between Foucault and feminism*, London: Routledge

Rathbone, Eleanor (1986), *The Disinherited Family*, Bristol: Falling Wall Press, First Published 1924

Reeves, Josephine (1993), 'The Deviant Mother and Child: The Development of Adoption as an Instrument of Social Control', *Journal of Law and Society*, Vol. 20, No.4, Winter, p.412-p.426

Rhodes, Helen (1995), 'Australia's Child Support Scheme - is it working?'. *Journal of Child Law*, Vol. 7, No. 1, p.26-p.37

Rhodes, R.A.W. (1994), 'The Hollowing out of the State: the changing nature of public services in Britain', *Political Quarterly*, Vol. 65, p.138-p.151

Rhodes, R.A.W. (1997), *Understanding Governance*, Buckingham: Open University Press

Richardson, Diane (1993), *Women, Motherhood and Childrearing*, Basingstoke: Macmillan

Roberts, Elizabeth (1984), *A Woman's Place: An Oral History of Working Class Women 1890-1914*, London: Blackwell

Roberts, Elizabeth (1988), *Women's Work 1840-1940*, Basingstoke: Macmillan

Roberts, H. (1981), *Doing Feminist Research*, London: RKP

Roberts, Yvonne (1995), 'Till Divorce Do Us Part', *New Statesman and Society*, 8 December

Rooff, Madeline (1972), *A Hundred Years of Family Welfare: A Study of The Family Welfare Association (Formerly Charity Organisation Society) 1869-1969*, London: Michael Joseph

Rose, Michael (1972), *The Relief of Poverty*, London: Macmillan

Rosenau, Pauline Marie (1992), *Post-modernism and the Social Sciences. Insights, Inroads, and Intrusions*, Chichester: Princetown University Press

Ross, Ellen (1983), 'Survival Networks: Women's Neighbourhood Sharing in London Before World War I', *History Workshop Journal*, Issue 15. Spring

Ross, Ellen (1993), *Love and Toil: Motherhood in Outcast London, 1870-1918*, Oxford: Oxford University Press

Rowntree, B. Sebohm (1941), *Poverty and Progress. A Second Social Survey of York*, London: Longmans

Rowntree, Griselda and Carrier, Norman H. (1958), 'The Resort to Divorce in England and Wales, 1858-1957', *Population Studies*, March, Vol. XI, No. 3, p. 185-p.233

Sawicki, Jana (1991), *Disciplining Foucault: Feminism, Power and the Body*, London: Routledge

Scott, Joan Wallach (1988), *Gender and the Politics of History*, Surrey: Columbia University Press

Searle, G.R. (1979), 'Eugenics and Politics in Britain in the 1930s', *Annals of Science*, 36, p.159-p.169

Sedgemore, Brian (1995), *The Insider's Guide to Parliament*, Cambridge: Icon Books

Self, Peter (1993), *Government by the Market? The Politics of Public Choice*, Basingstoke: Macmillan

Smart, Barry (1985), *Michel Foucault*, London: Routledge

Smart, C. (1984), *The Ties that Bind: Law, marriage and the reproduction of patriarchal relations*, London: Routledge and Kegan Paul

Smart, C. (1991), 'Securing the Family? Rhetoric and policy in the field of social security', in M. Loney, R. Bocoock et al (eds.), *The State or the Market: Politics and Welfare in Contemporary Britain*, London: Sage

Smart, C. (ed.) (1992), *Regulating Womanhood*, London: Routledge

Smith, Ellen (1915), *Wage Earning Women and their Dependants*, London: Fabian Society

Smith, Harold L. (ed.), (1990), *British Feminism in the Twentieth Century*, Aldershot: Edward Elgar

Snell, K.D.M. and Millar, J. (1987), 'Lone-parent families and the Welfare State: past and present', *Continuity and Change*, 2 (3), p.387-p.422

Stevenson, John (1984), *British Society 1914-1945*, London: Penguin Books

Stevenson, J. and Cook, C. (1977), *The Slump*, London: Jonathan Cape

Stewart, John (1993), 'Ramsey MacDonald, the Labour Party and Child Welfare', *Twentieth Century British History*, Vol. 4, No.2, October, p.105-p.125

Stone, Lawrence (1992), *The Road to Divorce: England 1530-1987*, Oxford: Oxford University Press

Supple, B. (1993), 'The state and social investigation in Britain between the world wars', in Michael J. Lacey and Mary O. Furner (eds.), *The State and Social Investigation in Britain and the United States*, Cambridge: Cambridge University Press

Taylor-Gooby, (1994), 'Postmodernism and Social Policy: A Great Leap Backwards?', *Journal of Social Policy*, Vol. 23, Part 3, July, p.385-p.404

Thane, Pat (1978a), 'Women and the Poor Law in Victorian and Edwardian England', *History Workshop Journal*, 6, Autumn, p.29-p.51

Thane, Pat (ed.) (1978b), *The Origins of British Social Policy*, London: Croom Helm

Thane, Pat (1982), *The Foundations of the Welfare State*, London: Longman

Thane, Pat (1991), 'Visions of gender in the making of the British welfare state: the case of women in the British Labour Party and social policy, 1906-1945', in Bock, Gisela and Thane, Pat (eds.), *Maternity and Gender Policies: Women and the Rise of the European Welfare States, 1880s-1950s*, London: Routledge

Thoday, W. (1935), 'The Money Payments (Justices' Procedure) Act', *Social Service Review*, November, p.188-p.190

Townsend, P. (1979), *Poverty in the United Kingdom*, Harmondsworth: Penguin Books

Unwin, J. D. (1935), *The Scandal of Imprisonment for Debt*, London: Simpkin Marshall

Walkowitz Judith R. (1992), *City of Dreadful of Delight: Narratives of sexual danger in late-Victorian London*, London: Virago Press

Webb, Sidney and Webb, Beatrice (1910), *The State and the Doctor*. London: Longman

Webb, Sidney and Webb, Beatrice (1929), *English Local Government. English Poor Law History: Part II: The Last Hundred Years: Vol. II*, Private Subscription Edition printed by the authors

Weeks, Jeffrey (1989), *Sex, Politics and Society: The regulation of sexuality since 1800*, London: Longman

Weitzman, Lenore J. and Maclean, Mavis (eds.), (1992), *Economic Consequences of Divorce: The International Perspective*, Oxford: Clarendon Press

Wellbank, Julie (1997), 'The Campaign for Change of the Child Support Act 1991: Reconstituting the "Absent Father"', *Social and Legal Studies*, Vol. 6, No. 2, p.191-p.216

Wetherall, R.A. (1933), 'The Report of the Committee on Local Expenditure (England and Wales)', *Journal of Public Administration*, Vol. X1, p.157-p.165

Whetham, C. and Whetham, C. (1909), *The Family and The Nation: A Study in Natural Inheritance and Social Responsibility*, London: Longmans

Whiteside, Noel (1983), 'Private Agencies for Public Purposes', *Journal of Social Policy*, 12, 2, p.165-p.194

Whiteside, Noel (1991), *Bad Times: Unemployment in British Social and Political History*, London: Faber and Faber

Whiteside, Noel and Gillespie J. (1991), 'Deconstructing unemployment: developments in Britain in the interwar years', *Economic History Review*, Vol. 94, xlv, 4, November

Wilkinson, Helen and Young, Rowena (1997), 'Marriage deserves another try', *New Statesman*, February

Williams, J.J. (1929), 'Local Government and the Act of 1929', *Social Service Review*, November, p.228-p.233

- Willis, W.N. (1914), *White Slaves of Toil*, London: C. Arthur Pearson Ltd
- Wimperis, Virginia (1960), *The Unmarried Mother and Her Child*, London: Allen and Unwin
- Winter, J.M. (1985), *The Great War and the British People*, Basingstoke: Macmillan
- Winter J.M. (1989) *The Experience of World War 1*, London: Guild Publishing
- Women's Co-Operative Guild and Martin, Anna, (1980 edition), *Working Women and Divorce and The Married Working Woman*, London: Garland Publishing
- Woollacott, Angela (1994a) "'Khaki Fever" and its Control: Gender, Class, Age and Sexual Morality on the British Homefront in the First World War', *Journal of Contemporary History*, Vol. 29, p.325-p.347
- Woollacott, Angela (1994b) 'Maternalism, Professionalism and Industrial Welfare Supervisors in World War 1 Britain', *Women's History Review*, Vol. 3, No. 1, P.29-p.55
- Wootton, Barbara (1967, first published 1959), *Social Science and Social Pathology*, London: George Allen and Unwin
- Zander, Michael (1989), *The Law-Making Process*, London: Weidenfeld and Nicolson

Government Publications

- Bradshaw, J. and Millar, J. (1991), *Lone Parent Families in the UK*, Research Report No. 6, London: HMSO

Bradshaw, J., Ditch, J., Holmes, H. and Whiteford, P. (1993), *Support for Children: A comparison of arrangements in fifteen countries*, Department of Social Security Research Report No. 21, London: HMSO

Child Adoption Committee (1921), *Report of the Committee on Child Adoption*, Cmd. 1254, London: HMSO

Child Adoption Committee (1924-1925), *Report of the Committee on Child Adoption*, Cmd. 2401, London: HMSO

Child Adoption Committee (1925), *Report of the Committee on Child Adoption*, Cmd. 2469, London: HMSO

Child Adoption Committee (1926), *Report of the Committee on Child Adoption*, Cmd. 2711, London: HMSO

Child Support Agency (1997), *Annual Report and Accounts 1996/97*, London: HMSO

Committee on Legal Aid for the Poor (1926), *First Report of the Committee on Legal Aid for the Poor*, Cmd. 2638, London: HMSO

Committee on Local Expenditure (1932), *Report of the Committee on Local Expenditure (England and Wales)*, Cmd. 4200, London: HMSO

Consolidation Bills - 1926 (1927a), *Report by the Joint Select Committee of the House of Lords and the House of Commons on Consolidation Bills in the Present Session, being a Report upon the Poor Law Bill together with Proceedings of Committee and Minutes of Evidence*, London: HMSO

Consolidation Bills - 1927 (1927b), *First Report by the Joint Select Committee of the House of Lords and the House of Commons appointed to consider all*

Consolidation Bills in the Present Session, Being a Report upon the Poor Law Bill [House of Lords] with Appendices, together with the Proceedings of the Committee and Minutes of Evidence, London: HMSO

Curtis Committee (1946), *Care of Children Report 1945-6*, Cmd. 6922. London: HMSO

Department of Health and Social Security (1974), *Report of the Committee on One-Parent Families*, Vol. 1, Cmnd. 5629, London: HMSO

Department of Health and Social Security (1974), *Report of the Committee on One-Parent Families*, Vol. 2, Cmnd. 5629-I, London: HMSO

Department of Social Security (1990a), *Children Come First: The Governments proposals on the maintenance of children*, Vol 1, Cm. 1264, London: HMSO

Department of Social Security (1990b), *Children Come First: The Governments proposals on the maintenance of children: The Background*, Vol 2, Cm. 1264, London: HMSO

Department of Social Security (1994), *Reply by the Government to the First Report on the Operation of the Child Support Act*, Cm. 2469, London: HMSO

Department of Social Security (1995a), *Improving Child Support: Summary of changes proposed in the Government White Paper*, London: Central Office of Information for the Department of Social Security

Department of Social Security (1995b), *Households Below Average Income: A Statistical Analysis*, London: The Stationery Office

Department of Social Security (1997), *Social Security Statistics 1996*, London: The Stationery Office

Departmental Committee on Adoption Societies and Agencies (1937), *Report of the Departmental Committee on Adoption Societies and Agencies*, Cmd. 5499, London: HMSO

Departmental Committee on the Social Services in Courts of Summary Jurisdiction (1937), *Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction*, Cmd. 5122, London: HMSO

Departmental Committee on Sterilisation (1933), *Report of the Departmental Committee on Sterilisation*, Cmd. 4485, London: HMSO

Fischer Williams Committee (1934), *Imprisonment by Courts of Summary Jurisdiction in Default of Payment of Fines and Other Sums of Money*, Report of the Departmental Committee, Cmd. 4649, London: HMSO

Home Office (1938), *Criminal Statistics England and Wales*, London: HMSO

Home Office (1947), *Criminal Statistics England and Wales 1939-1945*, London: HMSO

Home Office (1995), *Prison Statistics England and Wales*, Cm. 3355, London: HMSO

House of Commons (1994), *Parliamentary Debates*, 2 February, Vol. 236, London: HMSO

House of Commons (1994), *Parliamentary Debates*, 10 February, Vol. 237, London: HMSO

House of Commons (1994), *Parliamentary Debates*, 20 December, Vol.251, London: HMSO

House of Commons Social Security Committee (1994a), *The Operation of the Child Support Act: Proposals for Change*, Session 1993-94, 470, London: HMSO

House of Commons Social Security Committee (1994b), *The Operation of the Child Support Act: Minutes of Evidence*, Session 1993-94, 282-i-ii, London: HMSO

House of Commons Social Security Committee (1997), *5th Report. Child Support*, Session 1996-97, 282, London: HMSO

House of Lords (1994), *Parliamentary Debates: Official Report*, 4 February, Vol. 551, No. 37

Inter-Departmental Committee on the Co-ordination of Administrative and Executive Arrangements for the Grant of Assistance from Public Funds on Account of Sickness, Destitution and Unemployment (1925), *Report*, Cmd 2011, London: HMSO

Local Government Board (1872), *First Annual Report*, Cd. 516, London: HMSO

Local Government Board (1909), *Thirty-Eighth Annual Report 1908-1909*, London: HMSO

Local Government Board (1910a), *Thirty-Ninth Annual Report 1909-1910*, Part I: Administration of the Poor Law, The Unemployed Workmen Act, and the Old Age Pensions Act, Cd. 5260, London: HMSO

Local Government Board (1910b), *Supplement to the Report of the Board's Medical Officer Containing a Report by the Medical Officer on Infant and Child Mortality 1909-1910*, Cd. 5263, London: HMSO

Local Government Board (1911), *Fortieth Annual Report 1910-1911*, Part I: Administration of the Poor Law, The Unemployed Workmen Act, and the Old Age Pensions Act, Cd. 5865, London: HMSO

Local Government Board (1912), *Forty-First Annual Report 1911-1912*, Part I: Administration of the Poor Law, The Unemployed Workmen Act, and the Old Age Pension Act, Cd. 6327, London: HMSO

Local Government Board (1913), *Forty-Second Annual Report 1912-1913*, Part I - Administration of the Poor Law, The Unemployed Workmen Act, and the Old Age Pension Act, Cd. 6980, London: HMSO

Local Government Board (1919), *Survey of Relief to Widows and Children*, Cmd. 744, London: HMSO

Lord Chancellor's Office (1996), *Judicial Statistics England and Wales 1995*, Cm. 3290, London: HMSO

Lord Chancellor's Office, The Court Service (1997), *Annual Report 1996-1997*, 73, London: The Stationery Office

May Committee (1931), *Committee on National Expenditure Report*, Cmd. 3920, London: HMSO

McKay, S. and Marsh, A. (1994), *Lone Parents and Work: Survey by Policy Studies Institute*, DSS Research Report No. 25, London: HMSO

Ministry of Health (1930a), *Statutory Rules and Orders, No. 185*, London: HMSO

Ministry of Health (1930b), *Persons in Receipt of Poor Law Relief (England and Wales), Annual Return*, London: HMSO

Ministry of Health (1930c), *Eleventh Annual Report of the Ministry of Health, 1929-1930*, Cmd. 3667, London: HMSO

Ministry of Health (1934), *Fifteenth Annual Report of the Ministry of Health, 1933-1934*, Cmd. 4664, London: HMSO

Ministry of Health (1935), *Persons in Receipt of Poor Law Relief (England and Wales)*, Annual Return, London: HMSO

Ministry of Health (1939), *Persons in Receipt of Poor Law Relief (England and Wales)*, Annual Return, London: HMSO

Ministry of Health and Ministry of Labour (1923), *Third Interim Report of the Interdepartmental Committee on Health and Unemployment Insurance*, Cmd. 1821, London: HMSO

Ministry of Reconstruction, Local Government Committee (1918), *Report on Transfer of Functions of Poor Law Authorities in England and Wales*, Cd. 8917, London: HMSO

National Audit Office (1991), *Department of Social Security: Support for Lone-Parent Families*, London: HMSO

Office for National Statistics (1997), *Social Trends 27*, London: HMSO

Office for National Statistics (1998), *Living in Britain: Results from the 1996 General Household Survey*, London: the Stationery Office

Poor Persons (Divorce Jurisdiction) (1929), *Report of the Committee on Poor Persons (Divorce Jurisdiction)*, Cmd. 3375, London: HMSO

Registrar General (1910), *Seventy-Third Annual Report of the Registrar General of Births, Deaths and Marriages in England and Wales*, Cd.5988, London: HMSO

Registrar General (1911), *Seventy-Fourth Annual Report of the Registrar General*, Vol. 72, London: HMSO

Registrar General (1915), *Seventy-Eighth Annual Report of the Registrar General*, Vol.76, London: HMSO

Registrar General (1918), *Eighty-Fifth Report of the Registrar General*, London: HMSO

Registrar General (1950), *Census for England and Wales 1931: General Report*, London: HMSO

Royal Commission on Divorce and Matrimonial Causes (1912a), *Report*, Cd. 6478, London: HMSO

Royal Commission on Divorce and Matrimonial Causes (1912b) *Minutes of Evidence*, Vol. I, Cd, 6479, London: HMSO

Royal Commission on Divorce and Matrimonial Causes (1913a), *Minutes of Evidence*, Vol. III, Cd. 6481, London: HMSO

Royal Commission on Divorce and Matrimonial Causes (1913b), *Appendices to the Minutes of Evidence and Report*, Cd. 6482, London: HMSO

Royal Commission on Population (1954), *The Trend and Pattern of Fertility in Great Britain: a report on the Family Census of 1946*, by D.V. Glass and E. Grebenik, Part I: Report, vol. VI, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1909), *Majority Report*, Vol. I-11, Cd. 4499, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1909), *Minority Report*, Vol III, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1909), *Appendix* Vol. I, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1909), *Appendix* Vol. XVII, Report by Miss Constance Williams and Mr Thomas Jones on *The Effect of Outdoor Relief on Wages and the Conditions of Employment*, Cd. 4690, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1909), *Appendix* Vol. XVIII, *Report on the Condition of the Children who are in Receipt of the Various Forms of Poor Relief in England and Wales*, by Miss Ethel M. N. Williams, Cd. 5037, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1910), *Appendix* Vol. XXI, *Report of an Inquiry in Certain Unions into Cases of Refusal of Out-Relief*, by Miss G. Harlock, Cd. 5074, London: HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1910), *Appendix* Vol. XXV, *Statistics Relating to England and Wales*, Cd. 5077, London:HMSO

Royal Commission on the Poor Laws and the Relief of Distress (1911), *Appendix* Vol. XI, *Miscellaneous*, London: HMSO

Select Committee on Bastardy Orders, *Report together with the Precedings of the Committee, Minutes of Evidence and Appendix*, (1909), London:HMSO

Select Committee on Matrimonial Causes (1923), *Report and Special Report from the Select Committee on the Matrimonial Causes (Regulation of Reports) Bill changed to Judicial Proceedings (Regulation of Reports) Bill Together with the Proceedings of the Committee, Minutes of Evidence and Appendix*, London: HMSO

Standing Committee on the Bastardy Bill (1921-1923), *Bastardy Bill, Report and Proceedings of Standing Committee, C and D*, London: HMSO

